

8193. By Mr. YATES: Petition of the Illinois National Guard, urging additional appropriations to National Guard items necessary to caretakers and camps of instruction, signed by C. E. Black, adjutant general; S. T. Lawton, colonel; Albert L. Culbertson, colonel, Infantry; Otis Duncan, colonel, Infantry; Fred E. Rand, colonel, Infantry; O. K. Yeager, colonel; Maj. R. C. Rottger; Capt. W. C. Timm, Eval Runsbog, C. M. Cook, R. E. Shouts, B. P. Bruegle, and A. E. Dickerson; Lieuts. E. L. Styles, Charles Bean, W. A. Crookston, Mark Plaisted, Gordon Bellow, M. G. Peter, and W. P. Binney; Col. Charles H. Davis; Capt. George W. McClure; Maj. Dill B. Hordin; and 100 other officers of the Illinois National Guard; to the Committee on Military Affairs.

SENATE

WEDNESDAY, January 9, 1929

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 4616) to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army;

H. R. 8798. An act for the relief of William Lentz;

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana*;

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; and

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.

FINAL ASCERTAINMENT OF ELECTORS

As in legislative session,

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President from the States of Ohio, Oklahoma, and Tennessee, at the election held November 6, 1928, which were ordered to lie on the table.

PETITIONS

As in legislative session,

Mr. JONES presented petitions of sundry citizens of Seattle, Spokane, Prescott, Chehalis, and Palouse, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

REPORT OF THE COMMITTEE ON PENSIONS

As in legislative session,

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 5060) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929, reported it without amendment and submitted a report (No. 1415) thereon.

ENROLLED JOINT RESOLUTION PRESENTED

As in legislative session,

Mr. GREENE, from the Committee on Enrolled Bills, reported that on January 8, 1929, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

BILLS AND JOINT RESOLUTIONS INTRODUCED

As in legislative session,

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

A bill (S. 5251) granting an increase of pension to Elizabeth Inman; to the Committee on Pensions.

By Mr. GILLET:

A bill (S. 5252) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thurgutha Plant of the National Motors Corporation; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 5253) authorizing admission of Jackson A. Findley to the United States Military Academy (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5254) to extend the times for commencing and completing the construction of a bridge across Port Washington Narrows within the city of Bremerton, Wash.; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 5255) for the relief of present and former postmasters and acting postmasters, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. ODDIE:

A bill (S. 5256) to amend the act of August 29, 1916, relating to the promotion of officers in the Navy to provide for the promotion of officers who have been wounded in line of duty; to the Committee on Naval Affairs.

By Mr. NEELY:

A bill (S. 5257) granting a pension to George Myers; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5258) granting a pension to Lawrence Perry (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5259) granting a pension to Old Coyote; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5260) granting an increase of pension to Helen A. O'Haver; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5261) granting an increase of pension to Daniel Flynn; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5262) to establish a term of the United States Circuit Court of Appeals for the Fifth Circuit at Jacksonville, Fla.; to the Committee on the Judiciary.

By Mr. GEORGE:

A bill (S. 5263) for the relief of J. D. Baldwin, and for other purposes; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 5264) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

A bill (S. 5265) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

A bill (S. 5266) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain,

and operate a bridge across the Rio Grande at or near San Benito, Tex.; and

A bill (S. 5267) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 5268) granting a pension to Hugh M. Jones (with an accompanying paper); to the Committee on Pensions.

A bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests; to the Committee on Public Lands and Surveys.

By Mr. HAYDEN:

A bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.; to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 5271) granting an increase of pension to Mary B. Williamson; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5272) to incorporate the American National Institute (Prix de Paris) at Paris, France; to the Committee on the Library.

By Mr. KING:

A joint resolution (S. J. Res. 186) creating a commission on additional interoceanic canal facilities; to the table.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 187) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

By Mr. EDGE:

A joint resolution (S. J. Res. 188) to create a commission on a memorial to the signers of the Declaration of Independence; to the Committee on the Library.

By Mr. RANDELL:

A joint resolution (S. J. Res. 189) interpreting sections 3 and 4 of the Mississippi River flood control act of 1928; to the Committee on Commerce.

ENFORCEMENT OF PROHIBITION

Mr. HARRIS. Mr. President, I desire to submit an amendment to the deficiency appropriation bill passed by the House and now before the Senate, which I send to the desk and ask to have printed and referred to the Committee on Appropriations.

The amendment provides for an appropriation of \$50,000,000 additional for prohibition enforcement, to be made available immediately and to be used in 1929 and until June 30, 1930. The other day by a majority of two the Senate voted in favor of a conference report striking out an appropriation of \$370,000,000 to enforce the prohibition law, which was provided in an amendment introduced by the Senator from Maryland [Mr. BRUCE], which had passed the Senate, but the House refused to concur in this amendment. Everyone knows that prohibition enforcement at present is a mere farce. I am not criticizing the men who are attempting to enforce prohibition, because their difficulty lies in the fact that they have not sufficient funds to employ the necessary number of men to do this work. Every Senator knows the present amount appropriated is entirely inadequate. It is my purpose to offer such an amendment to every appropriation bill that comes before the Senate relating to this work and will continue doing so until we get a sufficient appropriation for this purpose. I shall try to get at least the amount I have named appropriated in addition, and I hope that the Senate, when the matter comes before it, will approve the increase proposed.

Mr. President, the people of the United States favor the enforcement of the prohibition law and it is our duty to carry out their wishes. Outside of a very few States in the East, the people of every State in the United States strongly favor the enforcement of this law. One of the reasons I voted in favor of woman's suffrage was because I believed a large majority of the women would favor prohibition and with their vote would help elect officials who would honestly support prohibition measures. In my judgment Congress is not doing its duty when it fails to appropriate a sufficient amount to enforce this law. The enemies of prohibition claim that the law has been a failure, and it is our duty to appropriate the amount necessary to make it a success. It is a shame the way it is now enforced—everyone knows this—and the only way it can be made a success is to appropriate more money for its enforcement. I sincerely hope Senators will vote for my amendment for \$50,000,000 additional appropriation for this work.

The VICE PRESIDENT. The amendment will be referred to the Committee on Appropriations and printed.

"THE LOST CAUSE"

Mr. HARRISON. Mr. President, I ask that there may be printed in the RECORD an editorial written by James M. Cox, who has been honored by his party and by the people of Ohio many times. The editorial is entitled "The Lost Cause," and appeared in the Dayton (Ohio) Daily News of Saturday, December 8, 1928.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LOST CAUSE

Ten years ago last Tuesday Woodrow Wilson set sail upon the greatest adventure in modern history. There will still be some to quarrel with that estimate. They may prove to be right. We merely cast in our guess that when the books of our times are balanced on the pages of history, a century or so hence, this will be the verdict. The picture of that lone man setting out from America to impose a modern peace upon a medieval world needs only a Tolstoy to draw, and we shall have the greatest adventure in the most dramatic setting and with the most tragical ending in the world's last 2,000 years.

Woodrow Wilson had been elected in 1916 by a people passionate for peace. He was the President of a country moved by diverse, deep-lying motives. Our mixture of immigrant strains gave us violent sympathizers with both combinations of nations at war in Europe. Wilson had tried to keep America simply American. When he saw the pressure of circumstances and events driving us inexorably into the war, he turned his attention to the effort to salvage out of the war which he foresaw the gain of a lasting peace. He tried by his speeches and messages to lay the ground for such a settlement after the war as would remove occasion for international rivalries and hates. By his 14 points he sought to assert the principles of justice which, once followed, would end the war system. He planned a cooperation of the nations which should penalize war and war makers. In this, all America was with him.

The war came to its sudden end and the making of this peace became a practical matter. But obstacles had developed at home. Woodrow Wilson was President by grace of a temporary break in a party which had ruled the country for 50 years and into which had collected the dominant industrial, financial, and social interests of the country. Wilson was the great liberal. His hope for America lay in its rule by a broader aggregation of elements than had been dominant in the Republican Party.

It was of the utmost importance to these that Woodrow Wilson should not be the shining figure of a glorious peace. "Anything to beat Wilson" was the cry. Even before the armistice was signed his enemies had managed to elect a hostile Congress. Republicans like Lodge, who had originated the idea of a league of nations, which Wilson was now to press upon Europe, began to plan the destruction, if it came with Wilson's name on it, of their own child.

Under these circumstances Wilson set sail, this 10 years ago, for Europe. There he found a people wild with hope for the new world which he was trying to usher in—and a diplomacy all set to defeat his efforts to lay the foundation for any such new world. A stone wall of medieval diplomats against him in Europe, a flying squadron of desperate politicians plotting at his back in Washington—such was the world which surrounded Wilson as he embarked on the 4th of December, 1918.

The rest of the story is universal knowledge. He fought his way in Paris to a half loaf. He got his League of Nations, but at the cost of many a hard sacrifice. Then he returned to America to face the force which had been ravening at his back. In the battle which followed he fell. The League of Nations was rejected. His very body was broken. The election of Harding and the return to power of what Harding reflected completed his defeat—at what an awful price there is no need now to discuss.

So the lone crusader who set his face to Europe on that December day 10 years ago was beaten, crushed. Woodrow Wilson was discredited and soon dead. So had died many a prophet before him. One of the outstanding tragedies of the age had been written. All we are saying is that it was a great adventure, the most magnificent of our time, for only out of great adventure can great tragedy such as this proceed.

MATTIE B. WILLIAMS

Mr. BRUCE submitted the following resolution (S. Res. 293), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mattie B. Williams, widow of John R. Williams, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the

Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BLAINE rose.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sackett
Barkley	Fletcher	McLean	Schall
Bayard	Frazier	McMaster	Sheppard
Bingham	George	McNary	Shipstead
Blaine	Gerry	Mayfield	Shortridge
Blease	Gillett	Metcalf	Simmons
Borah	Glenn	Moses	Smoot
Brookhart	Goff	Neely	Steinwer
Broussard	Greene	Norbeck	Stephens
Bruce	Harris	Norris	Swanson
Burton	Harrison	Nye	Thomas, Idaho
Capper	Hastings	Oddie	Thomas, Okla.
Caraway	Hawes	Overman	Trammell
Copeland	Hayden	Phipps	Tydings
Couzens	Heflin	Pine	Vandenberg
Curtis	Johnson	Pittman	Wagner
Dale	Jones	Ransdell	Walsh, Mass.
Deneen	Kendrick	Reed, Mo.	Warren
Dill	Keyes	Reed, Pa.	Waterman
Edge	King	Robinson, Ark.	Watson
Edwards	La Follette	Robinson, Ind.	Wheeler

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is unavoidably absent because of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is still detained from the Senate Chamber on account of illness. I will let this announcement stand for the day.

Mr. WHEELER. My colleague the senior Senator from Montana [Mr. WALSH] is detained from the Senate by illness.

Mr. McKELLAR. My colleague the junior Senator from Tennessee [Mr. TYSON] is absent owing to the death of his mother.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Eighty-four Senators having answered to their names, a quorum is present. The Senator from Wisconsin [Mr. BLAINE] is recognized.

Mr. BLAINE addressed the Senate. After having spoken for about an hour,

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. BLAINE. I yield.

Mr. REED of Missouri. With the Senator's permission, I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Shipstead
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smoot
Bingham	George	Mayfield	Steck
Blaine	Gerry	Neely	Steinwer
Borah	Glenn	Norris	Stephens
Brookhart	Goff	Nye	Swanson
Broussard	Harris	Oddie	Thomas, Idaho
Bruce	Harrison	Overman	Thomas, Okla.
Burton	Hastings	Phipps	Trammell
Capper	Hawes	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Copeland	Heflin	Ransdell	Wagner
Curtis	Jones	Reed, Mo.	Walsh, Mass.
Dale	Kendrick	Reed, Pa.	Watson
Deneen	Keyes	Robinson, Ark.	Wheeler
Dill	King	Robinson, Ind.	
Edge	La Follette	Schall	
Edwards	McKellar	Sheppard	

Mr. NORRIS. Mr. President, I wish to announce that my colleague, the junior Senator from Nebraska [Mr. HOWELL], is absent on account of illness.

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

Mr. BLAINE resumed and concluded his speech, which is entire, as follows:

Mr. BLAINE. Mr. President, yesterday I introduced a resolution in the form of a reservation to the pending multilateral treaty. At that time I gave notice that I would formally present the resolution at an appropriate time and before a vote was taken upon the resolution to adhere to the treaty.

The resolution which I introduced is for the purpose of removing from the multilateral treaty the reservations made by the British Empire during the course of diplomatic exchanges. Before taking up an analysis of that situation I want to address

myself to some general propositions in connection with the proposed treaty.

I listened with a great deal of interest to the very able presentation made by the Senator from Idaho [Mr. BORAH] in reporting the peace pact to the Senate. I am not altogether in disagreement with his contentions. However, in my humble opinion, he has failed to recognize what I believe to be the actual situation with reference to this proposal. I understand the chairman of the committee concedes that the notes exchanged during the negotiations have the same effect as do reservations, but he also contends that what the notes proposed to reserve was already reserved in the text of the treaty. With that contention I do not agree.

I concede that the right of self-defense is an inalienable right, held by individuals and groups of individuals organized in a social compact from which results sovereignty, and that that sovereignty can not alienate the right of self-defense. However, that sovereignty may, through its constituted authority, suspend that right through inaction or through failure to call upon the necessary instruments of the sovereign to enforce the right of self-defense.

This pact, however, does not mean what it says. It is like the commandment handed down to us from Mt. Sinai to the effect that "Thou shalt not kill."

The junior Senator from New York [Mr. WAGNER] said that, in effect, was the pronouncement of this peace pact—"Thou shalt not kill." We all recognize, however, that that commandment is subject to many modifications, limitations, and conditions. It is conceded that the commandment "Thou shalt not kill" does not mean what it says, and never did mean what it says. Individuals and governments have never recognized, under all circumstances, the validity of the prohibition of that commandment.

It has therefore been interpreted to mean "Thou shalt not kill," except in self-defense. The individual may kill when he is assailed and his life is put in jeopardy. That commandment has been modified to the extent that there is the right to kill through judicial process; that the state and the government may take human life notwithstanding the commandment "Thou shalt not kill." That commandment does not prohibit wholesale killing; it does not prohibit in the affairs of men and nations the right to kill, to take human life, individually so far as the individual is concerned, and by the sovereign in wholesale so far as the sovereignty is concerned.

I concede that this treaty on the question of self-defense goes no further than to say "Thou shalt not kill" except under certain circumstances, and I shall deal with those circumstances in a few moments. I therefore come to the same conclusion as does the chairman of the committee, that the right of self-defense, the right to take human life when the sovereign is assailed, exists with or without this treaty. I do not concede, however, that this Government may exercise that right under what I believe to be the correct interpretation of the Monroe doctrine except to a very limited extent.

The Monroe doctrine has been construed to suit those whose interests were best served by some particular construction. The Monroe doctrine as announced by President Monroe in two or three fragmentary paragraphs of a message which was sent to Congress a little over 105 years ago, as President Monroe meant it and as it had been adhered to for a hundred years, meant only two things: First, that there should be no colonization of the territory known as the Territory of Oregon. The purpose of that fragmentary portion of the Monroe doctrine long ago ceased to exist. Colonization of that Territory is no longer threatened. That leaves but one other provision of President Monroe's pronouncement in effect as a national policy for America, and that policy must be interpreted in the light of the day and the conditions under which the pronouncement was made.

America, at that time at least, so President Monroe conceived, was threatened by the invasion of monarchical systems of government. President Monroe recognized that here on the Western Continent democracy and monarchy could not abide together, and therefore proclaimed that the monarchical system of government should not be permitted to obtain a foothold on the Western Hemisphere. That is the extent, and the limit of the extent, to which the Monroe doctrine goes, although that, it is true, involves the question of self-defense, the defense of our democracy, our republican system of government against the tyranny of a monarchical system of government.

The Monroe doctrine does not carry with it the whole general doctrine of self-defense, but only a self-defense limited to this hemisphere alone and limited to the proposition that no foreign government should ever attempt to establish the European system of government upon the soil of the Western Hemisphere. To that extent the Monroe doctrine, the right of self-

defense, so limited, is fully protected and covered by the text of the treaty, except in so far as the reservations that have been made by way of diplomatic notes have circumscribed that limited right of self-defense in this hemisphere.

The right to protect life and property, the duty of a sovereign to protect the lives and property of its citizens does not come from the Monroe doctrine. Moreover, the right or the duty to protect the property and the lives of the nationals of a country is, as well, a limited duty.

The duty existing between the sovereign and the subject involves relationships whereby no subject has the moral right to place in jeopardy the peace of his country, whether his process is by way of investments in foreign lands or by way of adventure.

No American citizen has the unlimited right to sail the seas of the world, to go wherever he may choose. That right ceases when he approaches the imminent possibility of involving his Nation in a war.

Moreover, the right of a citizen to protection of life and property is further limited. Daniel Webster, when he was Secretary of State, laid down the proposition, in effect, that citizens going into another territory must abide by the laws of the country to which they went, and respect the decisions of the courts of that country so long as those courts were open to them equally with the citizens of that country. Blaine, when Secretary of State, in the Mafia affair in New Orleans, reiterated that doctrine. He went further in carrying out that doctrine by asserting that America owed no responsibility to those who were set upon by an unlawful mob so far as compensating them or their dependents for injuries or loss of life was concerned. He said that America afforded to them identically the same protection that she afforded to her own citizens, and that when one of our own citizens has been set upon by a mob, that citizen has recourse to the courts of this Nation. He may there seek his remedy; and Secretary Blaine said that we could not guarantee or extend any other or different or enlarged protection to the citizens of another country. So that doctrine has its limitations, and is not affected by the proposed treaty.

Therefore I consider as important the reservation respecting the treaties of Locarno, the treaty of Versailles, the treaties of alliances, and the treaties of neutrality. They have all been incorporated into this peace pact by reservations called interpretations as effectually as though they were written into the text of the treaty itself.

I want to turn my attention just for a few moments to our relationship with those treaties if this peace pact is adhered to by this body.

It has been said by the British premier and by our own Secretary of State that the treaties of Locarno are not inconsistent with the provisions of this treaty. If that is true, if their design is the same as the Paris pact, then it is immaterial whether the reservation relating thereto is made or not. But we here to-day may not have a full understanding and appreciation of the ultimate effect of the treaties of Locarno. If they look to the same end, effectuating the same purpose, then with respect to them I have no concern; but we come to the more important treaties, the obligations of the various nations joining in them which have been preserved by the diplomatic notes by way of interpretation, and suggest that by this treaty and by those notes we will be involved in foreign entanglements, enmeshed to such an extent that America will be drawn, actually or constructively, into every conflict that may arise from the treaties of alliances and the treaties of neutrality.

Our own Secretary of State, in his diplomatic notes, has stated that he is not informed as to the terms or conditions of those treaties, and therefore he can not speak about them; yet America's representative proposes that we shall take a step in the dark and adhere to this treaty with interpretations ingrafted into it and upon it concerning alliances of which we have no knowledge.

We may not be legally bound by those treaties; but in honor, in good conscience, we are estopped, when any of those nations attempt to put those treaties into effect, from asserting what America believes to be the path of rectitude. When Great Britain, France, and Italy, or whatever countries may have joined in those alliances, find it necessary or desirable to put into effect by force of arms the provisions of those treaties, America can not sit by except in silence, even when she will or may observe the exercise of the greatest brutality that was ever known in the world, the extension of a tyranny the like of which never has been conceived by man. Yet by this treaty, with the reservations and interpretations, we recognize the treaties of alliances and the treaties of neutrality and we are in honor estopped from asserting that which America ought to assert and which she has asserted in the past in the interest of suppressed and repressed humanity.

I therefore can not join my vote with the votes of those who support this treaty under those circumstances.

Moreover, one of the interpretations particularly keeps in force and effect, as between the nations signatory to that treaty, the League of Nations. I need not, for the purpose of this debate, discuss the provisions of the treaty of Versailles with its League of Nations; but, as for me, I do not propose to cast my vote in a way that may place America in the future in a position where it will be estopped from taking action against international crimes and international bandits.

I therefore express the hope that the Senator from New Hampshire [Mr. MOSES] and the Senator from Missouri [Mr. REED] will present their resolution in the form of a reservation to the pending treaty. I think the contest over this Paris pact should continue until we have convinced our own consciences, at least, that America should not join that which has been described as nothing more than a noble gesture.

Mr. BRUCE. Mr. President, will the Senator yield to me for just a moment to ask a question?

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I do.

Mr. BRUCE. I have been reading the resolution offered by the Senator, and it seems to me that its effect, if it should be adopted, would be entirely to shut out Great Britain as a party to the Kellogg pact. The Senator from California [Mr. JOHNSON] pointed out yesterday, or the day before yesterday, that the assent of Great Britain to the treaty was expressly given subject to the condition precedent that her signature was to be taken as in no way impairing her right, as a matter of self-defense, to repel any attack upon any region in the world the welfare of which was a matter of peculiar concern to her. It seems to me that if this resolution should be adopted by the Senate, that condition precedent would not be complied with, and Great Britain would not become a party to the treaty at all. I think the Senator will admit that our failure to obtain the assent of Great Britain to the Kellogg pact would create quite a void in it.

Mr. BLAINE. Mr. President, I think the price the Senator asks is too dear a price to pay for this so-called noble gesture.

I understand that the treaty has been proclaimed as transcendental. I submit that the treaty is clothed in beautiful words, it permits of the highest emotionalism, it encourages a veritable Niagara of extravagant declarations as to the great moral force it may be, but I notice that while many of its proponents proclaim that this treaty is a moral gesture, transcendental, at the same time they are voicing their approval of the treaty they are packing their ammunition belts with shot and powder.

I also observe that the treaty is so sublime that we propose to enter into a competitive struggle in supplying ourselves with implements of war and destruction. Beautiful sentiments are uttered, full of great possibilities for the onrush of emotionalism, but the treaty itself, weighted down by the reservations, contains the fertile soil for all the wars of the future.

I would support that noble gesture, I would adhere to that treaty, with the understanding that any interpretation, condition, or reservation contained in the diplomatic notes exchanged during the negotiations for the treaty should not imply any admission of any reserve not contained in the text of the treaty itself. That would make it more than a noble gesture. If the nations would subscribe to an unconditional treaty outlawing war, and withdraw their interpretations and their reservations, then we might be taking the first step toward peace, but I do not believe even then it would be a substantial step.

Humanity is burdened with its inherent weaknesses. There has been no progress made in the world down the path carpeted with velvet. In the march of progress there has been no bed of roses.

I conceive of no order of things designed by the Ruler of the Universe whereby we can have a standardization without death and decay. Mankind has trod this earth from his inception in a constant struggle for existence, assailed by the elements, assailed by pestilences, assailed by war, all in defense of what humanity regarded as essential for its perpetuity. Then it is proposed, by mere verbs, by mere nouns and adjectives, that the centuries-old frictions of humanity are to be wiped out.

We can not promote peace by mere words. Slogans have never saved civilization. Slogans have had their blighting curse in all governments and in all times.

We heard much during the World War of making the world safe for democracy, of putting an end to all wars. We now all know that it was a lie, and every slogan a lie.

Slogans are designed for the purpose of falsehood; they are the instruments of tyranny. We will outlaw war when we recognize realities and deal with realities instead of writing

beautiful phrases and manufacturing slogans, the fabric of which future generations will know is falsehood. We will outlaw war when and only when we outlaw the causes of war.

Mr. President, writers and publicists, in discussing the multilateral treaty, have stated and reiterated that the worst that can be said of the treaty, and the most that can be said for the treaty, is that it is a gesture toward peace. Other writers and publicists have said that at the worst the treaty can do no harm and that it may do some good. Proponents of the treaty appear to hold to the same opinion and urge that the virtue of the treaty will be its moral effect upon international relations in the future.

A study of the proposed treaty and the diplomatic notes exchanged during its negotiation, to my mind, can lead to but one conclusion, namely, that it is a one-sided declaration of British policy.

While the Kellogg treaty is couched in idealistic phrases it is but a pious declaration interspersed with pretenses and hypocrisy in a maze of reservations and interpretations. This formula for peace proposes to stabilize and legalize the spoils of war obtained by the greatest empire of the world. The peace designed by this treaty is the peace of the status quo of the Versailles treaty.

It is called a multilateral treaty. It is that in name only. In its essence, in its importance, and in its accomplishments, it is a unilateral treaty with a multilateral concurrence, granting substantial and far-reaching guaranties to a single nation. I emphasize by repeating that that which the treaty does is unilateral. It is one-sided. That one-sided bargain is entered into by all signatory nations, and they agree to a sole benefit in the interests of a single nation; and that benefit is not peace for either that nation or for any other.

What benefits to mankind will flow from this treaty? What is the consideration for this agreement? The proponents of the pact will reply that war is renounced—the renouncement of war as an instrument of national policy.

I ask, sir, what war is renounced?

It is clear that, with the interpretative notes and reservations, there is no renunciation of war.

There is no renunciation of war in self-defense. There is no renunciation of war against any state which breaks the treaty. There is no renunciation of war in execution of obligations under the covenant of the League of Nations. There is no renunciation of war in the execution of obligations under the Locarno agreements. There is no renunciation of war in the execution of obligations under treaties guaranteeing neutrality, including the French, Italian, British, and other alliances. There is no renunciation of war on any continent of the world wherever the British flag flies—and that flag is unfurled on every continent and in every clime. There is no renunciation of war whenever the British Government decides that she has a special and vital interest in any portion of the world.

The wars I have mentioned are the only wars that have been fought since Cornwallis surrendered at Yorktown. The only war renounced is the war that never has happened in our time and in the very nature of things never will happen again.

Professor Borchard, of Yale University, states the case clearly when he writes:

Considering these reservations, it would be difficult to conceive of any wars that nations have fought within the past century or are likely to fight in the future that can not be accommodated under these exceptions. Far from constituting an outlawry of war, they constitute the most solemn sanction of specific wars that has ever been given to the world.

It is argued by proponents of the treaty and by our Secretary of State that the wars to which I have referred are left in exactly the same status as though this treaty were never proposed. I concur in that contention. I have no doubt about it. If that were all the treaty did—if the treaty merely preserved the war status in relation to such wars; if the treaty left to the judgment of the nations the institution of such wars—indeed, the treaty would be negative—in fact, worse than negative, and positively useless—a sham.

As a negative proposition, as a mere skeleton, inert and impotent, the treaty is being exaggerated far beyond its importance by its proponents.

But the treaty takes on a more significant aspect than that. It has a positive, potent, and substantial purpose—a one-sided purpose.

I urge upon the Senate that the most careful consideration should be given to that purpose. The country should be informed of that purpose. The ratification of this treaty should not be jammed through until there has been full opportunity not only for discussion in this body but as well an opportunity for the people of this Nation to acquaint themselves with the

actual purpose and design of the treaty as modified by the interpretative notes and diplomatic correspondence.

I shall not go into the multitude of notes exchanged during the negotiation of this treaty. It is important, however, to set down a few historical facts.

In April, 1928, the Government of the United States dispatched a note to the Governments of Great Britain, France, Italy, and Japan. That note was received by those Governments on April 13 last. That note is published in the memorandum issued by the American State Department and publicly distributed. It is not essentially material to discuss the contents of that note.

On May 19, 1928, the British Government replied to the American note of April 13. The British reply acknowledged the receipt of the American note, together with copies of correspondence between the United States and the French Government on the subject of the treaty. Of course, it is understood that the American Government had been, over a long period of time, exchanging notes with the French Government respecting a treaty. It is that treaty which is discussed in the American note of April 13 and the British note of May 19.

The British note is carefully drafted, and the text of the note is divided into paragraphs, each paragraph bearing its number, from 1 to 13, inclusive.

At the same time that the American note of April 13, including the American draft of the treaty, was dispatched, the French Government dispatched a note to the same countries, including a draft of the French proposal.

The British note of May 19 discussed all questions referred to in the American and French correspondence. However, the British note introduced a new proposition and embodied that proposition in paragraph 10 of her note.

All questions had been raised as to the relative rights of nations. Up to May 19, 1928, they had been discussed by the various governments with which our Secretary of State had had exchanges. On May 19, 1928, the British Government conceived that now was her opportunity to fit in the missing link of the League of Nations, to take that missing link and insert it into the Paris peace pact. I want to quote in full this new proposition.

It will be understood at this time that Article X of the League of Nations guaranteed the territorial integrity of all nations joining in that covenant against external aggression. However, the treaty of Versailles and the covenant of the League of Nations did not guarantee the territorial integrity of any nation against internal aggression. That will be clearly comprehended when I recall the fact that President Wilson in his 14 points announced the right of self-determination, the right of the people to set up a government of their own choice, recognizing the policy that made this Government of ours possible.

But as a result of the war Great Britain found herself in possession of a large portion of the earth. No guaranty contained in the covenant of the League of Nations would perpetuate her dominion over the countries without their consent. The missing link in the covenant of the League of Nations was a provision guaranteeing territorial integrity against internal aggression. Herein is exhibited the tact, the skill, the shrewdness of British diplomats. Sir Austen Chamberlain said: "Now is the time to take the link missing from the league and put it in the Paris pact and complete the chain that binds 400,000,000 lives to the dominion and tyranny of the British Government." Paragraph 10 of the British note completes that chain. I will read it; it is familiar to all Senators.

(At this point Mr. BLAINE yielded to Mr. REED of Missouri, who suggested the absence of a quorum, and the roll was called.)

Mr. McLEAN. Mr. President, before the Senator proceeds I should like to ask him a question.

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. BLAINE. Certainly.

Mr. McLEAN. Has the Senator had his attention called to the obligations of the new multilateral treaty which Mr. Hughes is negotiating with the South American Republics? I have not seen it published.

Mr. BLAINE. I know nothing about the terms of that proposed treaty; I have not even seen it in the newspapers, as Will Rogers might say.

Mr. President, I am going to read paragraph 10 of the British note. I know Senators have read it, but I wish to read it again. I do not believe that its importance can be overemphasized. Before reading it, however, I wish to reply to the Senator from Idaho [Mr. BORAH]. It was the Senator's view that paragraph 10 of the British note was analogous to a reservation of self-defense, but when we interpret an instrument we must take the

whole instrument and not any separate paragraph of the instrument. Attention must be called to the fact that the question of self-defense was the general question, broadly treated, in the exchange of notes between the various countries. Great Britain so recognized it; the British Secretary of State for Foreign Affairs was familiar with that correspondence; and so in paragraph 4 of the British note of May 19 that proposition is discussed, and Sir Austen Chamberlain says:

4. After studying the wording of article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

There was the whole proposition of self-defense conceded, admitted, agreed to. I am sure that we can not fairly interpret the British note by any claim that paragraph 10 is a reservation of the general right of self-defense. Paragraph 10 is a specific paragraph dealing with specific matters outside of and beyond all question of self-defense. It is as follows:

10. The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered.

That is the instrument of an assailant and not the reservation of a pacific man or nation. Further reading from the note:

Their protection against attack is to the British Empire a measure of self-defense.

Not the general doctrine of self-defense, but a specific system of self-defense engrafted upon this multilateral treaty.

Reading further:

It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

That is the British declaration of policy. That is the one-sided declaration of policy. That is the only public policy, the only international policy, recognized by this treaty. The renunciation of war is wholly cast aside in all these instances, and we propose to acknowledge and recognize a declaration of a British public policy heretofore unknown to all the nations of the world.

Now, observe the keenness of the British diplomat, the subtlety—and I say this without implying—

Mr. KING. A Machiavellian spirit?

Mr. BLAINE. Well, I do imply a Machiavellian spirit—but without implying any degree of distrust in the ingenuity of the British diplomat. This is not a part of the British policy which I am about to read from paragraph 10; but Sir Austen Chamberlain declares:

The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

A very gratuitous expression or piece of advice.

But the British Government conceives the Monroe doctrine entirely different than it was conceived by President Monroe, by President Cleveland, by Secretary of State Daniel Webster, or James G. Blaine, or Theodore Roosevelt during his first term in the presidential chair.

The Monroe doctrine has never acknowledged any special or vital interest of America in the Western Continent. It has simply declared that we would not tolerate the implanting of the foreign system on this continent. Seductive, however, is Sir Austen Chamberlain. He is very anxious to have the Monroe doctrine given the broadest interpretation, without latitude, without boundary lines, without a hitching post; so he made this very seductive declaration expressing the intention and meaning of the United States Government.

Now, let us analyze this note of May 19 just a little further in the interpretation of paragraph 10.

On July 18 there was another note from the British Secretary of State for Foreign Affairs, Mr. Chamberlain, to the American Government. In that note Mr. Chamberlain reiterates not this proposition of the right of self-defense generally but this new-found declaration of public policy of the British Empire. You will find it on page 48 of the publication issued by Mr. Kellogg. He says:

As regards the passage in my note of the 19th of May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

Can anyone, in placing a fair interpretation upon this treaty, suggest or argue with any degree of conviction that paragraph 10 is not a new proposition; that it deals only with the question of self-defense? I think not. It is a specific provision, a specific article in a document which becomes a part of the treaty as effectually as though it were written into the text of the treaty.

Now, just follow Mr. Chamberlain one step farther.

Following the paragraph which I have just read from page 48, he again discusses not this new declared British policy but the general question of self-defense. He says:

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th of April that the proposed treaty does not restrict or impair in any way the right of self-defense, as also with his opinion that each State alone is competent to decide when circumstances necessitate recourse to war for that purpose.

It does not make any difference what may be the interpretation given to paragraph 10 by the distinguished Senator from Idaho; but his interpretation is not the interpretation of Mr. Chamberlain, and it is Mr. Chamberlain's interpretation that will prevail, because his interpretation is written into the treaty itself through this note as a reservation or interpretation. The words of the Senator, so forceful in the Senate, will fall without effect when the British Government decides to put into effect this new one-sided, self-serving declaration of British policy.

What we may think about it here to-day, what Senators who propose to support this treaty may think about it, will avail nothing when the time comes that British interests require that the full force of paragraph 10 shall be put into effect as against America and the world.

Mr. KING. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I do.

Mr. KING. I have read the notes submitted by Sir Austen Chamberlain, as well as the notes submitted by the various other governments so far as they have been published. It seemed to me that the interpretation to be placed upon the notes of Sir Austen Chamberlain, taking them in their entirety, is this:

Great Britain has certain areas of territory in which she claims a vital interest, much the same—and I add this parenthetically—as we claim a vital interest in the Panama Canal, and claim to have certain interests under the Monroe doctrine in Latin-American Republics. We sign this treaty with the understanding that with respect to those territories in which we have a vital interest we shall be permitted to adopt and apply the law of self-defense, and that we are the sole interpreters of when and where and how to enforce that law of self-defense, to the same extent as the United States may apply the law of self-defense under the Monroe doctrine when it believes—and it is the sole judge—that its rights are affected.

It seems to me that that is all that Sir Austen Chamberlain means. Great Britain has the right of self-defense not only to defend the island of Great Britain when it shall be invaded; it has the right of self-defense to defend Australia when it may be invaded; it has the right of self-defense to protect the Suez Canal if it should be attacked; or any other territory over which it claims this particular and special right or prerogative. Conceding that every country signing the multilateral treaty is the sole and exclusive judge of what the right of self-defense is, and when it shall apply the right of self-defense, I can not see that these notes of Sir Austen Chamberlain enlarge the general doctrine contended for by Mr. Kellogg and by those who are supporting this treaty; namely, that the right of self-defense is inherent in every country, and is implicit in every treaty.

Mr. BLAINE. Mr. President, permit me to suggest to the Senator from Utah that Great Britain challenged the Monroe doctrine down at least to the time of the administration of President Cleveland. The Monroe doctrine, as construed by American statesmen at that time and prior thereto, was a limited instrument for self-defense—defense only against monarchical European systems. Here, however, it is proposed that we, by the ratification of this treaty, grant to Great Britain her entire claim. We will forever be estopped from asserting any other position than that taken by Great Britain. That I can not consent to do; and I will endeavor to show before I get

through why I should not consent to do it, and why I believe the Senate of the United States ought not to consent to do it.

Moreover, if the British Government may establish a one-sided declaration of public policy, then the French Government may do the same; the Italian Government may do the same; Nicaragua may do the same; Cuba may do the same; the frozen regions of Labrador may do the same. They may declare that to be their doctrine. That does not argue that we should consent to that doctrine, and estop America from asserting not only her own rights but as well the rights that may belong to other people entitled to assert their independence as we asserted our right to be independent some few decades ago.

That is my objection to paragraph 10, that if we adhere to this treaty we recognize a self-serving declaration of public policy by a single nation, and we will forever be estopped from asserting any policy contrary to that declaration.

Mr. REED of Missouri. Mr. President, I should like to make one inquiry in connection with the statement of the Senator from Utah. If it be true that the right of self-defense, properly construed, includes the right of Great Britain to do everything she has specified in her note she proposes to reserve the right to do, why did Great Britain write the note?

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I would like to have the Senator answer at some other time, if he will.

Mr. KING. I shall not trespass on the Senator.

Mr. BLAINE. I think that is a very pertinent question, and I have no doubt but that the Senator from Utah will be able to enlighten us upon that proposition. But I want to repeat, it is not what the Senator from Utah may declare on this floor; it is what Sir Austen Chamberlain has declared in paragraph 10, and his government alone will construe that paragraph, and not a Senator, or the Senate of the United States, or the United States of America. We propose by this treaty to extend an approval of that one-sided declaration of British policy.

I am going to discuss that a little later more fully. I therefore conclude that paragraph 10 of the British note has no reference to the general proposition of self-defense, that the note on the face of it sustains that contention, and that therefore it is a special provision, it has certain meanings, it will be given a certain interpretation, and I do not propose, I repeat, to place America in a position where she will be in honor bound to recognize the full force of that declaration.

Professor Shotwell, of Columbia University, the acknowledged author of the French proposal which ripened into the multilateral treaty, has written a book on this treaty. I want to qualify that statement, however. A great many claim the authorship of the French proposal of the multilateral treaty. I do not intend to deny any of them whatever honor may come to them because of their alleged authorship. My own prediction is—and I am not speaking as a prophet but drawing on the experience of the past—that it will not be many years before no American citizen will be proud of having credited to him the authorship of this treaty. I think in the years to come whoever that statesman may be he will find a more desirable environment in the British Parliament than within America.

Without any intention of reflecting upon Professor Shotwell, it can be fairly said that he is not anti-British, and his statement of the British claim in Egypt is entirely favorable to the British viewpoint. In discussing the multilateral treaty, Professor Shotwell characterizes this new-found British policy in these words:

... no matter what may be the ultimate fate of the Kellogg proposal, the Chamberlain pronouncement, being a unilateral statement of British policy, will have taken its place as a formal notification of British policy in this regard.

Paragraph 10 of the British note is another article 10 of the covenant of the League of Nations. As I said, it is the missing link. That missing link has been found. It is now being neatly fitted into world affairs by the British Government. The fact is that paragraph 10 of the note is much more far-reaching than article 10 of the league covenant. Paragraph 10 of the British note proclaims the territorial integrity of the whole British domain, including her spoils of war, and by this treaty America is asked to guarantee the territorial integrity of the British Empire.

Article X of the covenant for the League of Nations guaranteed the territorial integrity of the spoils of war only against external aggression. By the conditions imposed by paragraph 10 of the British note upon the nations adhering to this treaty, we are asked to guarantee the territorial integrity of the British Empire not only against external aggression but as well against

domestic and internal struggles for independence of her subject people.

I say we guarantee British dominion; we do, and a most effective guaranty; we recognize her claim of vital and special interest. We legalize that claim. By this treaty we enter into a consent decree quieting British claim of title to one-fourth of the inhabitable globe and dominion over a quarter of the world's population. We are morally bound ever afterwards to respect that decree. What Great Britain did not get under Article X of the league covenant she proposes now to acquire by engrafting upon the multilateral treaty paragraph 10 of the British note.

Great Britain's adherence to the multilateral treaty is "upon the distinct understanding" that she shall have freedom of action in those regions of the world the welfare and integrity of which constitute what she may claim to be her special and vital interest.

To make that condition more emphatic, more binding, the British Government, in a note dated London, July 18, 1928, notified the American Government that Great Britain accepted the multilateral treaty—and I am using her own language—"upon the understanding that it does not prejudice their freedom of action" in those certain regions the welfare and integrity of which she proclaims to constitute a special and vital interest for her peace and safety.

America did not join the League of Nations. America did not guarantee the territorial integrity of any of the spoils of war. America did not guarantee the status quo under the treaty of Versailles. The Senate refused to ratify the league, and through a most solemn national referendum, with a most decisive vote against the league, the American people ratified the Senate's act.

America proposed to retain her traditional policy. She did not propose to deny to other nations—smaller and weaker nations—the right of self-determination, the right of self-government, the right of independence. America proposed to grant to other peoples that which America claimed for herself on the establishment of this Republic.

That left foreign imperialism uncertain and unassured. Peoples possessing the same language, the same tradition, the same customs, the same habits, desiring a separate unity, were still assured the continuance of America's traditional policy. That left for them a ray of hope. That gave to them perseverance and courage. That inspired in those nations and races the spirit of freedom and held out to them the possibility of their own independence, to be by them acquired for themselves through whatever sacrifices they choose to make as America acquired and sacrificed on the battle fields of the American Revolution.

I take off my hat to British diplomacy. No statesmanship in the last half century has been able to cope with it. British statesmen are trained in the art. They know the game of diplomacy as do no other statesmen. We need not search far to learn the secret of the success of British diplomacy. British statesmen have but one purpose, one object, and that is the British Empire. They have no divided allegiance. They think only in the terms of Great Britain and her subjects. They are not moral crusaders in the realm of diplomacy. They pursue their object incessantly, diligently, and with a skill that befuddles other statesmen. When Great Britain did not obtain all she wanted under the league her statecraft readily found the avenues through which she might obtain her object in the multilateral treaty.

Trace the history of the diplomatic exchanges of notes just briefly. Keep in mind that the British Government in its note of May 19, 1928, pursued its purpose with a definiteness and a thoroughness that left no single proposition involved in the treaty undefined so far as she was concerned. In the course of the diplomatic exchanges is the note of June 23, 1928, from the State Department of our Government to 14 other governments, including Great Britain. In that note Secretary Kellogg summarized what was contained in his former notes and in his public addresses, to which reference is made in the diplomatic correspondence.

The Secretary of State treated with candor and frankness all of the propositions, conditions, interpretations, and reservations that had been made during negotiations, except as to one proposition. He defined the reservations and interpretations in their relation to the multilateral treaty in the following order: (1) Self-defense; (2) the league covenant; (3) the treaties of Locarno; (4) treaties of neutrality; (5) relations with a treaty-breaking state; (6) universality.

But lo, he is as silent as a tomb on paragraph 10 of the British note of May 19. And this is significant. He did not discuss paragraph 10 of the British note with candor and frankness; in fact, he did not discuss it at all, either in his explanatory note of June 23 or any subsequent or prior notes that were

exchanged during negotiations. At least, if he discussed paragraph 10 of the British note he has not so informed the Senate or the public.

Now, I am not criticizing our Secretary of State for failure to discuss paragraph 10 of the British doctrine. I know that the subject raised by Great Britain is a sensitive one. I know that the policy pursued by our own Government in the last few years in our relations with Central and South America has caused a sore that briny liquid irritates. I know that the interpretation of the Monroe doctrine by modern statesmen has gone far afield from the purposes of President Monroe, who announced that doctrine a hundred and five years ago.

Of course, the British Secretary of State for Foreign Affairs, Mr. Chamberlain, is quite familiar with the history of the Monroe doctrine and the application that has been made of that doctrine by America in the last quarter of a century.

So Mr. Chamberlain, in paragraph 10 of his note, gently taps the shoulder of our Secretary of State and reminds him of that history and the modern interpretation given to the Monroe doctrine. He whispers to our Secretary of State and says, "Now, Mr. Secretary, I do not expect you to talk about this. I do not want to embarrass you, and so I have given expression as to the intent and meaning of your Government in applying the Monroe doctrine. Now, you can keep still about it. I will accept your interpretation of the Monroe doctrine, and I will apply it to the multilateral treaty and extend its scope to embrace all that was guaranteed to His Majesty's Government under Article X of the covenant of the League of Nations, and then I will give it a little broader effect so that the modern interpretation of your ancient Monroe doctrine may be extended to the British Empire, without territorial limitation, either as to lands or people, and you, Mr. Secretary, may keep still about it." And he has kept still.

Mr. President, it was the greatest betrayal of America and her interests that could be conceived by any public official having the authority and the power to engage in diplomatic correspondence with a foreign government, and the betrayal is stamped with an utter silence.

Now, of course, those are not the words of Mr. Chamberlain spoken to Mr. Kellogg, but those words accurately picture the British claim under paragraph 10 of the British note, and the silence of our State Department on that reservation.

I am not unmindful of the excuse that will be offered for the silence of Mr. Kellogg. That excuse will at once hark back to a certain pronouncement made by the British Government in 1922 respecting Egypt.

But that is not what the British Government says in her note. She does not limit it to a region. Her reservation in paragraph 10, while indefinite, leaves the door open for Great Britain to claim application of the doctrine announced to any region of the world in which she may have any interest. Great Britain uses the words of diplomacy. They are indefinite, misleading, subject to such construction as she may desire to place upon them, as may serve her purpose in the future.

I am criticizing the policy announced. I do not care whether it refers to one region or many regions, whether it is Egypt or India, whether her reference is to a mandate or a protectorate.

If her reference is to Egypt alone, my objection is emphasized, because Great Britain has broken her word of honor, given to the Egyptian people in 1914. She then promised Egypt independence. She now denies to Egypt independence.

And the curse of this treaty is that we recognize and legalize her betrayal.

The Egyptian people, relying upon that word of honor, contributed to the British Empire 1,000,000 of her young men to fight in the World War that democracy might be made safe in this world, that the right of self-determination might be established; but the sacred word of the British has betrayed the Egyptian people and betrayed the spirit of every Egyptian boy that lies under the sod of an allied battle field. Then we are asked in the Senate of the United States to place America in a position where we will be estopped from protesting that betrayal.

Argue as we will, temporize as much as we please, talk as long as we may, we can not explain away the fact that the British Empire has declared a new British policy to which we are asked to adhere, and when we do adhere we are estopped to deny it.

I realize it will also be contended that the interpretations, conditions, and reservations are no part of the treaty. It is true that they are not a part of the text of the treaty before us. It must be conceded, however, that treaty obligations other than the League of Nations have for their sanction only moral forces.

The success of the multilateral treaty must depend alone upon the good faith of nations. The nations adhering to this

treaty plight their faith and pledge their word of honor, and the sanction rests in the conscience of the nations and their peoples.

By the same token, by the same plight of our faith, by the same pledge of our word of honor, by the same conscience of our Nation and our people, the interpretations and the reservations have their sanction.

It does not make any difference whether we call the notes that have been exchanged interpretative notes or conditions precedent, or reservations; as those terms relate to diplomatic intercourse they are analogous and interchangeable. The difference in their meaning and purport is only the difference between tweedledum and tweedledee.

In good faith we propose to adhere to this treaty. We plight our faith, we pledge our honor, and we plight that faith and pledge that honor as the sanction for every interpretation, every condition, and every reservation contained in the diplomatic notes.

Mr. REED of Missouri. Mr. President, if it will not interrupt the Senator, I should like to call his attention at this time and on this point to the fact that it has been claimed that there is no necessity for in any way mentioning the Monroe doctrine in any reservation or resolution of the Senate, for two reasons: One of them is that it is claimed that it is a doctrine of self-defense. But there is another reason that was advanced in the committee and has been advanced upon the floor, namely, that Great Britain had recognized the Monroe doctrine in a note from Chamberlain; that was an admission by Great Britain of the validity of the Monroe doctrine. If that is true, then certainly we equally recognize the claim of Lord Chamberlain to Great Britain's Monroe doctrine.

Mr. BLAINE. Exactly; and we recognize the interpretation of the Monroe doctrine given by Sir Austen Chamberlain in applying the new British doctrine.

On this same proposition, in some of the notes exchanged in the negotiations for the treaty, the interpretations and reservations are expressly reserved, and the treaty has been entered into upon express conditions and understandings. I will note briefly these reservations, conditions, and understandings.

In the Japanese reply to the United States invitation, her signature to the treaty is upon the understanding that it contains nothing that would refuse to independent States the right of self-defense, and other alleged rights.

The Union of South Africa, by the British Secretary of State for Foreign Affairs, puts its willingness to become a party to the treaty on the condition that certain conditions be granted.

Now, let us look into those conditions.

The British Government, in her note of May 19, clearly announces that her willingness to join in the treaty is upon the distinct understanding that it does not prejudice her freedom of action in certain respects concerning the territorial integrity of her domain.

The French note of July 14 summarizes the interpretations, at least four of them, stating what France believes to be the interpretation of the treaty, and in conclusion states that under such circumstances and in such situation she is willing to sign the treaty.

The Government of Poland, in its note of July 17, takes note of at least three of the interpretations.

Then, as I have already stated, in the British note of July 18 last, the British Government expressly declares that it accepts the new treaty upon the understanding that it does not prejudice her freedom in certain regions of the world.

The Czechoslovakian minister, in his note of July 20, recites interpretations or reservations and expresses the willingness of his Government to join in the treaty, but makes it plain that the letters and diplomatic notes indicate the meaning and the significance that is to be attached to the multilateral treaty.

Who can say, therefore, that we are not bound or that any nation is not bound by the interpretations, conditions, or reservations contained in the diplomatic notes? This treaty has been joined in by certain nations upon a condition precedent. That condition is certain interpretations, certain definitions, and the nations have joined with the absolute and expressed understanding that they join on the conditions precedent; and therefore it follows as night follows the day that whatever interpretation, condition, or understanding agreed to in the diplomatic notes exchanged in the negotiation of this treaty constitute a part of the obligations entered into, morally binding upon all nations adhering thereto and having notice thereof.

Moreover, I call your attention to paragraph 7 of the British note of May 19, where in discussing the relations with a treaty-breaking state it is stated that means can be found of placing the understanding in relation thereto on record in some appropriate manner, "so that it may have equal value with the terms of the treaty itself." Observe the keenness of British

diplomacy—"So that it may have equal value with the terms of the treaty itself."

The device used in bringing about this treaty is the same device that was used in the negotiations at Locarno, and so the interpretations or conditions or reservations contained in the exchange of notes are contemporaneous with the treaty itself, binding in good morals, in good conscience, in good faith, and in the code of honor as is the treaty itself and having for their sanction the same sanction as for the treaty itself, whatever the treaty may mean.

Is there anyone who proposes that we shall not abide by the interpretations, conditions, and reservations contained in the diplomatic notes? Are we to adhere to this treaty with the mental reservation that we will or may with impunity disregard the so-called interpretative notes whenever it suits our purpose? Do we propose to announce to the world that we adhere to this solemn obligation and at the same time disclaim an obligation to adhere to the reservations or interpretations of which we have knowledge?

If we do, if that is to be the attitude of America, then we will stand before the world as hypocrites, naked of honor and destitute of morals or conscience.

In my opinion there can be no quibble over the proposition that we are as firmly bound to acknowledge and to observe the interpretations, conditions, and understandings imposed in the negotiation of this treaty as we are, in good faith, to observe the text of the treaty.

There are other circumstances in connection with this subject which I may appropriately call to your attention at this time. Some governments are not adhering to the treaty except upon conditions subsequent to the treaty.

On December 28 I directed a communication to the Secretary of State asking him to furnish me a copy of all the notes precedent and subsequent to the signing of the treaty which had been exchanged among the several nations. Up to this time I have received no reply to that request. Therefore I am in no position to discuss from the record the conditions subsequent which have been imposed upon the various nations, but I have been able to gather fragmentary portions of conditions subsequent on the part of nations that have adhered to this treaty.

The Egyptian Government objects to the new imperialistic policy of Great Britain, and declares that the peace of the world can not be assured when Great Britain's imperialistic enterprises have no other justification than force. The Egyptian Government, therefore, adhered to the treaty on condition that there should be no implication of any admission of any reserve whatever.

The Persian Government, another government under the domination of the British Empire, in its adherence to the treaty, declared that—

the reservations made by certain powers do not create on the part of Persia any obligation to recognize anything susceptible of contravening its territorial and maritime rights and possessions.

The Turkish Government, in adhering to the pact, did so without reservation, bound only by the text of the treaty, to the exclusion of all interpretations, conditions, or reservations that are not an integral part of the treaty.

Afghanistan, another nation over which the British Empire proposes to perpetuate its dominion, is in accord with Persia.

The Soviet Government declared on adhering to the treaty that—

inasmuch as the note of the British Government has not been communicated to the Soviet Government as an integral part of the compact or its supplement, it therefore can not be considered obligatory for the Soviet Government.

The Soviet Government of Russia, in adhering to the treaty, declares against the reservations.

The Indian Empire, consisting of 319,000,000 men and women, has no one to speak for it except Great Britain, which exercises complete dominion over the Indian people. However, the people of India, not so unlike other peoples in past centuries, have that spark which may at any moment ignite a conflagration that will bring to them their independence. The people of India have their Franklins; I do not propose to deny to them their Lafayettes, their Kosciuskos, their Von Steubens, their Kosciuskos, or their De Kalbs. The people of India have sent to America their representatives, as the colonies went from port to port in Europe through their representatives in aid of the war that made our Nation possible.

To America to-day the people of India are speaking their hope through a woman from India. Sarojini Naidu—a cultured, refined, and intelligent representative of the people of India, trained in the great universities of Great Britain—speaks

at least the spirit of India and the voice of India so far as an unofficial representative of an organized people can speak it.

I hold in my hand a telegram from that unofficial representative dated January 8, addressed to myself, which I ask to have read from the desk.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Without objection, the telegram will be read.

The legislative clerk read as follows:

NEW YORK, N. Y., January 8, 1929.

Hon. JOHN J. BLAINE,

Senate Office Building:

The issue you have raised in the course of the debate on the multilateral treaty with special reference to British reservations is of momentous importance to India. To accept such reservations in their entirety is to indorse and assume responsibility for all arbitrary policies and actions which might conceivably work to the detriment of my people in their legitimate aspiration and endeavor to secure full national freedom. As an unofficial but duly accredited spokesman of my country, I question the claim of Lord Cushendun to commit India to any treaty in which her own representatives were neither included nor consulted. Though India has always upheld the high gospel of peace toward the recognition of which principle this pact in its original intentions constituted an admirable gesture she can not be held bound in all circumstances to honor any vicarious pledges made in her behalf and without her consent which deprives her of a single national or international right but she must reserve to herself complete independence of action in all its implication to establish and maintain her undeniable and inalienable birthright of political liberty.

SAROJINI NAIDU,

Ex-President Indian National Congress, 21 Union Square.

Mr. BLAINE. Mr. President, so far as the Indian people may speak, that great people has spoken.

With this record before us it is proposed that America shall be committed to an agreement that is one-sided, that recognizes and legalizes the spoils of war, that proposes that the British Empire may extend her sphere of influence, her imperialistic sway, to the four corners of the world, under a self-serving declaration of national policy heretofore unrecognized by a single nation.

President Wilson went to Paris and brought back Article X of the League of Nations. Secretary Kellogg went to Paris and brought back paragraph 10 of the British note. I repeat, what Great Britain did not accomplish under Article X of the league she proposes to consummate under paragraph 10 of the British note.

I have no intention of extending this discussion beyond reasonable bounds. Candor compels me to discuss concretely what Great Britain proposes as the price she demands for adherence to this treaty.

America having transformed the Monroe doctrine into an instrument of oppression of smaller and weaker peoples, Great Britain, by paragraph 10 of her note, now adopts the modern American policy. With the recognition of this new British imperialism by America the two great English-speaking nations of the world are preparing themselves for the contest in the division of the world—a competitive struggle for lands and commerce, raw material and material resources. Concurrent with the treaty is the big navy program; what other does it mean than war?

Why, this treaty, sir, is not even a truce. It is the beginning of the most stupendous struggle for world dominion and territorial aggrandizement. The clash may not come in our time, but this treaty portends an early conflict—the first one a commercial war, the second one none but the Infinite Mind can contemplate.

I have no doubt but that the Senators who are supporting the big navy program will vote for this treaty, or the most of them. I am not surprised that many of those voting for this treaty justify their support of a big navy. We may need it. We may be compelled to meet gun with gun, battleship with battleship. When we legalize, as we do by this treaty, British control of one-fourth of the world's habitable land, with a population of 15,000,000 more than one-fourth of the total inhabitants of the world, we draw the noose tight about our neck.

Here this mighty giant, the British Empire, with vast territory of land, with her dominion over more than one-fourth of the people of the world, the territorial integrity of which we acknowledge and legalize, with the trade routes to the Orient and Africa under her control—we now by this treaty deliver into her keeping the ports of two great continents, from which she may deny our commerce. Why, then, sirs, do you propose to make the contest an uneven one—why handicap America? Why betray America with this pretended covenant for peace? Peace! There is no peace—there can be no peace, except an

armed peace, so long as governments insist upon maintaining the causes of war.

The outlawry of war will not be brought about through slogans. War can not be outlawed through sublime declarations. War is not a state of mind. War is a state of things. War exists because certain nations propose to dominate and bully the rest of the world.

Protectorates, mandates, spheres of influence, foreign concessions, exploitation of natural resources—oil, coal, steel, precious metals, tropical plantations, monopolization of the trade routes of the world, indefensible tariff barriers; these are some of the causes of war; and war will not be outlawed until nations are willing to make their respective sacrifices until every cause of war has been removed.

You might just as well by a decree, by a noble gesture, proclaim against the invasion of a scourge. That will not prevent it, and the scourge will come unless the causes that produce that scourge are eliminated. They are not eliminated by slogans and idealistic phrases. They are eliminated when we recognize the realities. This old world of ours, after all, with all its beauty and all its poetry and all its art, recognizes that in the eternal order of things realities control.

Those causes of war to which I have referred are augmented by the terms of the harsh and unconscionable treaty of Versailles and the extension of Article X of the League of Nations by paragraph 10 of the British note.

Far worse than the threat to our commerce is our denial of the right to liberty and independence everywhere. We propose to weld tighter the steel band of tyranny and imperialism about the form of prostrate and subject people.

We by this treaty solemnly acknowledge that less than 50,000,000 subjects of Great Britain shall have the right to rule over 400,000,000 people, without their consent and against their protest.

Mr. President, is there a single Member of this Senate who can say that we are not by this treaty building up a power that is not only a menace to the peace of the world, but, as well, a menace to civilization itself?

Let us look at the world picture briefly. In Africa alone the British Government has subjugated 50,000,000 people in a territory almost equal to Canada and Mexico.

In Egypt 13,000,000 human lives are under her domination. In India she exercises sway over nearly 319,000,000.

The United Kingdom, with a population of only 44,000,000, dominates in Europe three and a half millions of people, in Asia, 329,000,000; in Africa, over 50,000,000; in North America, over 9,000,000; in the West Indies, a million and three-quarters; in South and Central America, 350,000; in Australasia, over seven and a half million inhabitants; and in the scattered islands of the seas, nearly a million.

Of this vast multitude of subjects nearly 90 per cent are a race foreign to the Anglo-Saxon. This vast multitude of Asiatics, Africans, and Malaysians have a civilization far more ancient than that of the British. They have given to the world the greatest men; they have developed the sciences; they handed down to us laws and a literature rich in spiritual value. They constitute a great sleeping giant. In the retrogression of civilization, as we propose by this treaty, who can say that these ancient people may not some day become the salt of the earth and God's chosen people?

And yet it is proposed in the Senate of the United States that we should solemnly recognize the British Kingdom's claim of sovereignty, dominion over, and possession of these people.

I say, sir, that America, born out of the womb of revolution, can not afford to deny to those 400,000,000 people their right of independence, as they may in the future be able to assert that right. I may stand alone in this, but as for myself, I will not consent to a treaty that obligates America to recognize and respect the claim of any nation against the right of independence of other nations.

Nearly 10 years ago—to be exact, on November 18, 1919—Senator Robert M. La Follette, the senior La Follette, of my State, made one of the most memorable speeches that was ever delivered in this forum. The Senate had under consideration the covenant of the League of Nations. Under discussion was Article X of that covenant. Senator La Follette, with an unconquerable soul and an undimmed vision of the rights of smaller and weaker peoples, and with unsurpassed ability and power, and with a prophetic vision, said:

I care not what reservations or amendments we attach to this covenant. In the final analysis it is an instrument for the preservation of the status quo. Like the Holy Alliance of 1815, it is couched in the language of idealism and peace. But, like the Holy Alliance, it

will be used for the suppression of nationalities and for the prosecution of oppressive warfare.

This covenant closes the doors in the face of every people striving for freedom.

Mr. President, we can not, without sacrificing this Republic, maintain world dominion for ourselves. And, sir, we should not pledge ourselves to maintain it for another.

He further said:

These people do not ask that we send armies to Europe or Asia to aid them in gaining their freedom. They ask simply that we shall do nothing to hinder them in their struggle for independence from the power which once held sway over the American Colonies.

Senator La Follette was discussing Article X of the league. Take out of his speech all reference to Article X of the league, and substitute in place thereof the multilateral treaty and paragraph 10 of the British note. Then every word uttered by that great American patriot, who loved liberty and independence more dearly than his own life, is applicable with equal emphasis to the treaty under consideration. His words, which I have quoted, are as powerful against this treaty as they were when uttered against the league.

I quote but one more paragraph from his memorable speech. He said:

The map of the world has become the map of Great Britain. It is not the work of chance. On its face it is the written confession of the guilt of British imperialists for their full share in the years of diplomatic intrigue which inevitably embroiled the world in war.

These are the regions, from Cairo to Cape Town, from the Black Sea to Singapore, from Labrador to Cape Horn, with her dominion over the islands of the sea, with America standing as the only nation with the force and resources sufficient to prevent the closing of the British imperial vise—these are the regions of the world the territorial integrity of which Great Britain demands that we acknowledge, and it is here proposed that the Senate shall give adherence thereto.

This pact commits our Nation to an impossible peace, unworthy of the traditions of America, and forgetful of that which made this Republic possible.

PRISON-MADE GOODS—CONFERENCE REPORT

Mr. COUZENS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

JAMES COUZENS,
SIMEON D. FESS,
HARRY B. HAWES,
Managers on the part of the Senate.
W. F. KOPP,
FREDK. N. ZIHLMAN,
WILLIAM P. CONNERY, Jr.,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). The conference report is received as in legislative session. Is there objection to its consideration?

The Senate, by unanimous consent, proceeded to consider the report.

Mr. ROBINSON of Arkansas. What is the amendment from which the Senate conferees receded?

Mr. COUZENS. The Senate conferees receded from an amendment put in on the floor, which I should like to have the Secretary read. It is with respect to exempting farm products.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

On page 2, line 5, after "otherwise" insert a colon and the following proviso:

"Provided, That this act shall not apply to the preparation or processing of farm products so as to make same suitable for use by the manufacturer in the making of any manufactured article."

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. COUZENS. The report is unanimous.

Mr. BINGHAM. Mr. President, I should like to ask the Senator from Michigan whether all the other amendments were agreed to, including the one providing for a prolongation of the time.

Mr. COUZENS. The House conferees agreed to every amendment made by the Senate, with the exception of the amendment just read.

Mr. BINGHAM. I thank the Senator.

Mr. BROUSSARD. I understand that the amendment with reference to agricultural products was not accepted by the House conferees?

Mr. COUZENS. That is the amendment on which the Senate conferees receded. It was put in on the motion of the Senator from Oregon [Mr. McNARY] on the floor of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ALLEGED BRIBERY OF SENATORS

Mr. REED of Pennsylvania. Mr. President, I rise to a question of the highest possible privilege. As in legislative session I ask leave to submit a report of the special committee to investigate charges that certain Senators were bribed by the payment of money by foreign governments.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McNary	Sheppard
Bayard	George	Metcalf	Shipstead
Bingham	Gerry	Moses	Shortridge
Blaine	Glenn	Neely	Simmons
Borah	Goff	Norbeck	Steiner
Brookhart	Harris	Norris	Stephens
Broussard	Hawes	Nye	Swanson
Bruce	Hayden	Oddie	Thomas, Idaho
Capper	Hedlin	Overman	Thomas, Okla.
Caraway	Johnson	Phipps	Trammell
Copeland	Jones	Pine	Tydings
Couzens	Kendrick	Pittman	Vandenberg
Curtis	Keyes	Ransdell	Wagner
Deneen	King	Reed, Mo.	Walsh, Mass.
Dill	La Follette	Reed, Pa.	Waterman
Edge	McKellar	Robinson, Ark.	Watson
Edwards	McLean	Robinson, Ind.	Wheeler
Fess	McMaster	Sackett	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, as in open legislative session I wish to submit a report on a matter of the highest privilege.

This is the final report from the committee appointed by the Senate under Senate Resolution 7 to investigate propaganda or money alleged to have been used by foreign governments to influence United States Senators. Before sending the report to the desk I would like to make a brief explanation of it.

The committee was originally appointed to investigate the authenticity or falsity of a large number of documents printed in the Hearst papers supposed to have come from Mexican Government files in Mexico City and from their consulate in New York City. It was found to the satisfaction of everyone, including the experts employed by Mr. Hearst, that those documents were crude forgeries.

While the committee was studying those documents there came to our attention privately some eight photographs of pretended documents which, if they had been genuine, would have shown that two United States Senators had received large amounts of money from the soviet authorities in Europe for the purpose of inducing them to work for the recognition of the soviet by the United States. Those papers were sent to us by an American who had come upon them in Europe, who sent them without any representation that they were genuine, without any expression that they were genuine, but under what he conceived to be his patriotic duty to make them known to the Senate.

Our committee was of the impression from the first sight of the new papers that they were fraudulent, but we did not feel disposed to dismiss them without investigation. We were unwilling that it might be said now or at any time in the future that we had the slightest disposition to whitewash any one of our number merely because we had implicit confidence in his complete integrity. So the committee quietly went to work to test out or find corroboration of the new documents if it were possible that that corroboration existed. We did not make their existence public because we were unwilling that the papers should be published without at the same time having made

public an expression of our judgment on their genuineness or their falsity.

The committee held its last meeting yesterday morning, and the notes of that meeting have been sent to the Printing Office for confidential printing. A draft of our report has likewise been sent to the Printing Office, together with photographs of all of the new documents. We would not have made them public until the printed copies had been received for each and every Senator's inspection had we not learned to-day that in some way the newspapers had learned about the incident and were about to publish accounts of it.

Inasmuch as we want whatever is published to be complete and to be accompanied by our verdict, it was our judgment that the report in typewritten form had best be laid before the Senate now, and the notes of our hearings on the matter can be laid before Senators as soon as they come from the Government Printing Office.

Generally speaking, I may say that the documents consisted of eight photographs of letters and receipts, including a receipt pretended to be signed by Mr. Dudley Field Malone, saying that he had received from the soviet ambassador in Paris \$100,000 to be paid to "Senator W. Norris"—not "GEORGE W. NORRIS," but "Senator W. Norris."

I may say at this moment that we are convinced that all of these things are crass forgeries. Another pretended receipt bore what seemed to be a facsimile of the signature of the Senator from Idaho [Mr. BORAH] acknowledging receipt of \$100,000 from Mr. Dudley Field Malone, for purposes not stated.

We have investigated the matter through every channel of investigation that has been suggested by any person in this country and abroad, both through official channels and through private channels. I myself had to go abroad last summer on the work of the American Battle Monument Commission, and while there took occasion to help in running these down, although other persons with whom we had previously made arrangements had been doing it for some time before I got there. We found where the originals are of the documents that were photographed. They are in Paris. They were offered for sale to us for \$50,000 approximately, the amount being stated in French money. But the man who offered them for sale, in spite of repeated urgings on our part, had to admit that he could neither furnish us any evidence to prove their genuineness nor any evidence to show that any such transaction had ever passed through the bank, nor any evidence to show that anything of the sort had ever occurred; and he had to admit, further, that he could not give us any clue which we might follow up with any likelihood of being able to find any such cooperation. He simply offered the papers for sale at a very large price and said that if we paid him his price we could keep the papers, but he would wash his hands of the whole transaction.

Our committee is unanimously of the opinion that the papers, in so far as they tend to involve either of the Senators mentioned, are the crudest kind of forgery, and that there is absolutely no reason why any living being should attach the slightest importance to the charge which is inferred in the papers. We feel that it is only simple justice to them that we make this public statement and put an end to that current of whispering which is bound to result when such things exist, and put an end to the effort to peddle this kind of forgeries around in America. The whole business is on a par with the group of Mexican documents which was exposed so thoroughly last year.

Since we started the investigation still another forgery has come to our attention which was discovered in Mexico, sent to Washington, and was destroyed here by the officials who received it because they thought it was not worth calling anybody's attention to, and that it was a part of this same Mexican forgery factory. It was a pretended receipt signed by Senator BORAH for \$100,000 from the Mexican Government.

The whole matter would be amusing if it did not trifle with the reputations of distinguished Americans. It would be too ridiculous for answer were it not dealing with reputations that it is to the interest of all America to hold above suspicion. The product of the forgers, both in Paris and in Mexico, is being offered steadily to our representatives abroad and to the representatives of foreign governments.

The Mexican Government itself was not long ago victimized by being induced to purchase a lot of forged pretended American documents tending to show that our Government had taken a lot of hostile steps with reference to Mexico, all of them sheer inventions and proven to be so. The only way to put an end to the traffic is to make these things public the moment they are discovered, and that your committee has endeavored to do in this case.

We were so sure of the falsity of the papers that we did not believe they were even worth asking these Senators to answer.

That assurance on our part was increased by the total absence of results secured by this long and painstaking investigation. But nevertheless, at their own initiative, they asked us to call them; they asked us to administer the oath to them. That was done at our meeting yesterday, and they have each of them most meticulously and thoroughly denied having any relation whatsoever or any correspondence with any official of the soviet or having received any money at any time for any purpose from Mr. Dudley Field Malone, or having ever been offered or suggested that any money should have been received. They did that of their own initiative, not because our committee felt that there was enough substance in these things even to ask them for the denial. Now, Mr. President, I send the report to the desk.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, I desire to say that I think he should also state in that connection that Mr. Dudley Field Malone testified that he never received any fund and never executed any receipt for the purposes stated in the alleged receipt presented to the committee.

Mr. REED of Pennsylvania. That is true. When Mr. Malone was on the stand about a year ago we showed him this receipt allegedly signed by him and asked him whether it was his signature. He replied that it looked very much like his signature, but that he had never signed any such paper. I do not remember his testimony in detail, but in substance it was that he had not seen these Senators on this or any other business and that he had not at any time or for any purpose paid them anything. His denial was quite comprehensive.

Now, Mr. President, I send to the desk this report which is slightly over two pages long, with the request that it may be read. Before it is read, however, I call attention to the fact that it is a unanimous report, signed by every member of the special committee.

Mr. ROBINSON of Arkansas. Mr. President, pending the reading of the report in which I and all of the members of the committee concur, I desire to make a brief statement.

It is both astonishing and alarming to note that forging and uttering alleged public documents has in some countries become a business profitable to many crooks. Sometimes these papers are of a nature, if published and accepted as genuine, to disturb the peace of nations. In other instances they are intended to involve the integrity and good faith of men well known in public life. Such damnable products of villainy have no commercial value unless they are made to appear highly sensational.

A Senator may readily comprehend the fact that forged instruments affecting prominent men or public questions will occasionally appear; but it is difficult for anyone, situated as Senators usually are, to realize that in some foreign capitals confidence men, men devoid of both patriotism and personal honor, will gain the confidence of diplomatic agents, representatives of newspapers, and others by pretending to have discovered and to possess mysterious and important papers, the significance of which is usually to becloud wholesome and well-justified confidence in public men with suspicion of treachery and dishonesty.

The Mexican documents recently investigated by this committee, and finally admitted to be forgeries, constitute an illustration of the sometime profitability of a nefarious trade in spurious documents.

The report of the special committee to investigate charges that certain Senators had improperly received moneys, just submitted to the Senate by the Senator from Pennsylvania [Mr. REED], recites a shocking and disgusting story, which one may trust shall never be repeated.

A former employee, it is alleged, of the Russian Embassy in Paris produces copies of alleged instruments which on their face imply dishonest and disloyal conduct on the part of Senator BORAH and Senator NORRIS. No Member of this body stands above either of these Senators in his reputation as a private citizen and as a public officer. Both Senator NORRIS and Senator BORAH throughout their long periods of service in the Senate have earned and deservedly enjoyed the full confidence and respect of their fellow Senators. It is regrettable that either should be embarrassed by the publicity resulting from this report and the discussion of it. The committee and both Senator BORAH and Senator NORRIS feel that the proper course to pursue is to bring all the facts before the public, in full confidence that no honest person will censure in any degree the Senator from Idaho and the Senator from Nebraska, for the simple reason that the documents referred to are forgeries and the pretended transactions to which they relate never occurred.

Let me make clear to all who hear me that there is not a scintilla of proof tending to establish improper conduct on the

part of either of these Senators. The incident illustrates the truth that no man prominent in public life is immune from those cowardly assaults which have always been prompted by cupidity or malice. The important thing is that everything possible should be done to prevent the recurrence of such incidents as that now under discussion. The governments necessarily indirectly concerned should be prompted to ascertain the identity of the individuals participating in the conspiracy against peace and the reputations of honorable gentlemen while we extend our hand in full confidence and sympathy to the Senators whose names have been improperly and unjustly mentioned in connection with alleged treasonable acts. We ought here to sound a note of warning to sensational crooks that the filth and stench which they habitually seek to peddle can not find a market anywhere among honest, fair-minded men, and that if such crooks are found within the jurisdiction of this Government penalties appropriate to their crimes will be relentlessly imposed.

Mr. JOHNSON. Mr. President, may I reecho what has been so well said by the Senator from Arkansas [Mr. ROBINSON] and express myself in full agreement with what has been said by the Senator from Pennsylvania [Mr. REED]?

It was unnecessary for either the chairman of the special committee or any member of the committee to investigate, in order to know its falsity, any charge of misconduct against either Senator BORAH or Senator NORRIS. To me, sir, it is with a distinct feeling of personal humiliation that we should even be required under the rules and the necessities and the exigencies of this case to make a report upon it at all. I require, those who were associated with me upon the special committee require, and, thank heaven, this Nation requires, no proof of the integrity or the character of the Senator from Idaho or the Senator from Nebraska.

We recognize, of course, what a delicate thing is a man's reputation, particularly that of a man in public life. It is worse than a sin, it is a crime, when that reputation has been unblemished for a lifetime and every man understands and every man knows it, that there should even be a breath on any occasion whereby that reputation should be sought either to be destroyed or tainted or affected in any degree; worse still, sir, when the opportunity may be afforded malice or rancor or hostility or enmity to say aught against men such as these because of groundless and outrageous and lying charges such as may have been predicated upon the documents which have been before us.

I do not acquit the Senators of wrong, because I know they are incapable of wrong. I speak from a heart filled with affection for those two Senators, and I say to them that I feel with them that the least that could be done is that which we do to-day, when we stand here, as every Member of this body will stand here, not testifying, sir, because testimony is unnecessary, but to pay to them the full meed of admiration, respect, and love which their constituencies have for them and which they have so richly earned in a lifetime of devotion to the public interest.

Mr. BRUCE. Mr. President, as a member of the special committee, I should like to add just a brief word to what has been so well said by the Senator from Pennsylvania [Mr. REED], the Senator from Arkansas [Mr. ROBINSON], and the Senator from California [Mr. JOHNSON] with respect to this matter.

It almost suffices for my purpose to recall again, as I recalled in an earlier stage of this matter, an observation made by Thomas Jefferson on one occasion when, as the result of one of the basest conspiracies in American history, the honor of Edmund Randolph, when Secretary of State, was impeached. After reading Randolph's vindication of himself, Mr. Jefferson said, as I remember his words, "Anyone who reads this vindication will acquit Edmund Randolph of all reproach;" and then he added, "Those who knew him had acquitted him already."

So I say that anyone who has had the privilege of knowing, as I have for six years, these two distinguished and highly respected Members of the Senate, Mr. BORAH and Mr. NORRIS, might well have said before a line of testimony had been taken down by our committee that their acquittal could safely be pronounced without any hearing.

Of course, it is impossible, in speaking of one's fellow Senators, to indulge in the language of invidious discrimination, but I think that I voice the feelings of all the Members of this body when I say that there are no two Members of it who are deemed by their associates to be more scrupulously, irreproachably honorable in all their motives and conduct in every respect than the Senator from Idaho [Mr. BORAH] and the Senator from Nebraska [Mr. NORRIS]. And the unanimous report of our committee is but another proof that this reputation is unassailable.

The VICE PRESIDENT. The clerk will read the report. The legislative clerk proceeded to read the report (No. 52, pt. 2), which is as follows:

Mr. REED of Pennsylvania, from the Special Committee to Investigate Propaganda or Money Alleged to Have Been Used by Foreign Governments to Influence United States Senators, submitted the following final report (pursuant to S. Res. 7):

"The special committee created by Senate Resolution 7 to investigate alleged payments to United States Senators by representatives of foreign governments makes this final report of its investigation and asks that the committee be discharged.

"Our first report, filed January 11, 1928, contained our definite conclusions upon the falsity and spurious character of the documents published in the Hearst newspapers and purporting to show corruption on the part of certain United States Senators. Those 'documents' were shown to be crude forgeries.

"The committee did not ask to be discharged at the time of filing its first report, because from other sources other 'documents' had been delivered or described to the committee which, however improbable we might think them, could not be dismissed without investigation. These documents are—

"1. Eight photographs of letters or receipts purporting to show that Senators BORAH and NORRIS had received \$100,000 each from the Soviet ambassador in Paris, either directly or through the interposition of Dudley Field Malone, an American lawyer who maintains an office in Paris.

"2. Two typewritten documents, pretended to be statements of the substance of an order for the payment of money from Soviet accounts in Paris to Senator NORRIS, and the substance of a letter pretended to have been written by Senator BORAH in September or October, 1927, to the Soviet ambassador in Paris.

"3. A receipt, pretended to have been signed by Senator BORAH, for the payment to him of a large sum of money by the Mexican Government. This paper appears to have been sent by American Ambassador Sheffield from Mexico to Undersecretary Olds of the American State Department. So little regard was there given to it that it was destroyed without being submitted to our committee or to the Senate, but it has been described to us.

"Photographs of the documents in groups 1 and 2 are included in the printed report of our hearing of January 8, 1929.

"This committee has exhausted every effort both in America and Europe to discover corroboration of the charges carried by these documents. We can find no such corroboration; we can find no clue to any facts that would tend to show that any such transactions ever occurred. The originals of the documents of group 1 have been offered to us by a person in Europe at a price of about \$50,000, but the person offering them states that he has no evidence to show their genuineness and can suggest no such evidence. He delivered to us the documents of group 2 as 'corroboration,' but states that he can not find the originals of such documents.

"Senator BORAH and Senator NORRIS have voluntarily come before the committee, have asked to be sworn, and have denied very emphatically the charges carried by these documents. Specifically they deny any dealings of any sort with any Soviet official; they deny the receipt of any money from Soviet sources, either through Malone or any other person; and they deny that any such payments have ever been offered or suggested by any person.

"The committee is unanimous in the firm belief that each group of documents is a fraud, that the pretended signature of Senator BORAH on Exhibit D is a forgery, and that the documents purporting to show the payment of money to these Senators were concocted either for the purpose of sale or for the purpose of covering up the diversion of money to other uses.

"The committee feels that these documents are so clearly trumped up and fraudulent as not to have required an explanation or denial by either of the Senators named therein, but in order to prevent any further efforts to peddle these forgeries and to prevent any whispered circulation of their purport, the committee has decided to make these matters public.

"DAVID A. REED.
"JOS. T. ROBINSON.
"HIRAM W. JOHNSON.
"W. L. JONES.
"WM. CABELL BRUCE."

During the reading of the report,

Mr. REED of Missouri. Mr. President, is that word "appears" or "purports"?

The VICE PRESIDENT. The word is "appears."

Mr. REED of Missouri. I am going to suggest to the committee the wisdom of changing the word "appears" to "purports" or "pretends."

Mr. REED of Pennsylvania. I ask that the clerk may read the entire sentence. I do not know what word the Senator is talking about.

The VICE PRESIDENT. The clerk will reread the sentence referred to.

The Chief Clerk read as follows:

3. A receipt pretended to have been signed by Senator BORAH for the payment to him of a large sum of money by the Mexican Government. This paper appears to have been sent by American Ambassador Sheffield from Mexico to Undersecretary Olds, of the American State Department.

Mr. REED of Pennsylvania. The Senator offers no criticism of that word?

Mr. ROBINSON of Arkansas. I see no objection to the language as employed there.

Mr. REED of Pennsylvania. There is no question but that it was sent.

Mr. REED of Missouri. Very well.

Mr. HEFLIN. The word "pretended" before that, I think, makes it clear.

Mr. ROBINSON of Arkansas. Yes.

After the conclusion of the reading of the report,

Mr. REED of Pennsylvania. Mr. President, I move that the committee be discharged.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President, it seems to me that the committee has not completed its work.

Mr. Hearst was involved in this scandal or slander against four Senators, myself included. If he has been reprimanded or criticized in any way by this committee, I am not aware of it. If any steps have been taken by the committee against him to punish him for this outrageous performance, I have never heard of that.

Avila, who sold to Mr. Hearst this purported testimony involving four Senators, has been to this Capitol, has testified, has departed, and is now I do not know where. If any effort has been made by the committee to prosecute and punish this man, I have not heard of it. It seems to me that this committee should indict Mr. Hearst for his part in this scandal and that the Senate ought to see that it is done. He ought to be condemned by this body for his part in this very scandalous performance against four United States Senators. This man Avila ought to be severely condemned, along with severe condemnation of Mr. Hearst.

This is a very serious matter, Senators. If public men can be singled out for doing their duty to their country and crooked interests can fall upon them and seek to destroy them because of their service to their country, and then get away without punishment, it is an inducement to others to try to do the same thing at some other time.

I think Senators feel generally—the country does, also—that this effort to destroy us grew out of the part that I took in preventing war with Mexico, the part the Senator from Idaho [Mr. BORAH] took, the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Nebraska [Mr. NORRIS], at a time when a good many of our daily papers were saying, "We are right on the edge of war with Mexico." We happened to be the four Senators who led in the fight against that proposed war. As a reward for our service to our country we were drawn into an international scandal, and Mr. Hearst's newspapers published those scandalous charges broadcast.

It seems to me that the Senate ought to require this committee to amend its report and condemn Mr. Hearst for his part in this very scandalous, outrageous, and criminal thing, and also this Mexican who came over here and is perhaps still in our country, who received money from Mr. Hearst for his part in this villainous and criminal performance.

I do not think the committee has discharged its duty. I felt at the time that the committee made its partial report it had been derelict in its duty in failing to attack Mr. Hearst. I do not know exactly why Hearst has not been indicted, and severely indicted, in this report by the committee. It ought to be done. There ought not to be any favorites played by anybody.

I make that suggestion, Mr. President. I, for one, feel that Mr. Hearst ought to be condemned, and that Avila ought to be condemned; and if it is possible for the committee to devise ways and means to prosecute these people, that ought to be done. I am opposed to accepting the final report as it now stands.

Mr. ROBINSON of Arkansas. Mr. President, I can well understand and fully appreciate the indignation which the Senator from Alabama [Mr. HEFLIN] feels and expresses. At the same time, I think it appropriate to say that the committee was appointed to make an inquiry into an alleged state of facts. As we view it, it is not incumbent upon the committee to indict anyone. We found the facts and reported them to the Senate; and I, upon my personal responsibility, took occasion to express in the Senate my personal views as to the effect of those facts in relation to the conduct of those responsible for the publication of forged documents without full inquiry as to their genu-

iness before publishing them. Senators here will recall, perhaps—some of them, at least—that occasion; and they may recall the manner in which the acts just mentioned were characterized.

In the view of the committee, as I understand it, under the resolution instructing the committee, we have performed our full duty. It is, of course, competent for the Senate to take any action upon the matter that is deemed proper. The committee feel, I think, that we have gone into the facts fully and reported them completely.

Mr. BRUCE. Mr. President, I can perfectly understand, of course, the tenderness that the Senator from Alabama feels with respect to anything that affects his honor; and I have taken occasion more than once to say that I never saw the Senator from Alabama show to more advantage than when he came before our committee in a perfectly simple, dignified, and manly way and repelled the base charge that had been made against him.

At the same time, it seems to me that if this committee is not to be discharged, a somewhat better reason should be assigned than those which have been assigned by the Senator from Alabama. I am perfectly free to say that, in my individual judgment, at any rate, Mr. Hearst is not justly to be censured for obtaining those documents, or even obtaining them in the way that he did—that is to say, by the purchase of them.

If my conduct as a Senator had been above reproach in every respect, and there was reason to believe that among the archives of the Government of Mexico was a document gravely, profoundly affecting my moral standing as a Senator and as a man, I should be thankful to Mr. Hearst or to any other enterprising newspaper proprietor who brought out that fact and gave me an opportunity, before death had closed my eyelids forever, to allege that the document was a spurious one.

Those documents which Mr. Hearst secured may well not have come to light for years after the then Members of the Senate, including the Senator from Alabama, had passed from the scene of human interests and events. Then there would have been nobody to produce the most conclusive evidence that could be rendered under the circumstances of innocence.

If Mr. Hearst had with any marked degree of precipitation or rashness proceeded to unearth the documents, he might, of course, justly have subjected himself to criticism. But it seems to me that he did all that any prudent newspaper proprietor could be reasonably expected to do under the circumstances which surround the management of a great newspaper to ascertain whether the documents were or were not forgeries.

Therefore it seems to me that not only is there no ground for supposing that Mr. Hearst should be indicted, as suggested by the Senator from Alabama, but that there is no substantial ground for saying that he has done anything which it is not the right, and in a sense the high duty, of the owner of a great newspaper in this country to-day to do, when there is reason to believe that just grounds exist to suspect the integrity of a Member of the United States Senate, or, in other words, one of the very highest officials of the Federal Government. So I trust that my friend the Senator from Alabama may be induced to take just a little different view of this matter from what he has expressed, and feel that it is not essential to his reputation for personal integrity and honorable conduct, which is irreproachable, that any further step be taken by this committee with reference to such of the Hearst documents as bore upon him.

I have my doubt, Mr. President—and I hope my friend the Senator from Pennsylvania will listen to me as I express the doubt—whether just at this time this committee should be discharged. It is true that we have rendered our report, but the testimony on which we have acted has not yet been placed before the Senate or even printed. It may be that when that testimony is perused by some Member of this body, or by somebody outside of this body, the suggestion may be made that there is still some remaining subject that we might take up for investigation. So I suggest to the Senator from Pennsylvania that the wise course under the circumstances would be to let the matter remain in abeyance for some little time, until the evidence assembled by our committee has been printed and has been presented to the Senate, and there has been an opportunity on the part of both the Members of the Senate and the members of the press, or anybody else, to read that evidence, and question, if you please—though I do not think any such question could be raised—the completeness of our work, the fullness of the evidence elicited by us, or anything else connected with our investigation.

Mr. FESS. Mr. President—

Mr. BRUCE. As I said, it might occur to some Member of the Senate that there was just some little thing or other—I do not think there could be more than that—that might be cleared

up by further action on the part of our committee. So I believe that it is only fair to the Senator from Nebraska and to the Senator from Idaho, to the members of our committee, and, above all, to the general American public, that our committee should not be discharged just at this time.

I feel pretty confident that that would be the idea of the Senator from Nebraska and of the Senator from Idaho, because one of the things that has been most noteworthy in connection with this entire investigation has been the prompt and earnest manner in which those two gentlemen have insisted upon the investigation conducted by the committee being pushed to the most searching lengths possible.

Mr. FESS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. Will the Senator yield for a parliamentary inquiry?

Mr. BRUCE. The Senator a few minutes ago wanted to interrupt me. Now he wants to make a parliamentary inquiry. I want to know just what it is he wants, to secure from me the privilege of interruption or to impeach my right to be saying what I am saying.

Mr. FESS. My interruption was to make a parliamentary inquiry. Mr. President—

Mr. BRUCE. It seems to me the Senator might not have shown so much solicitude as to whether I gave my assent or not, if that was his object.

Mr. FESS. I wanted to inquire whether under the rules of the Senate, when a committee has been appointed for a specific purpose and a report has been made upon that matter, that does not discharge the committee without further action of the Senate?

The VICE PRESIDENT. If there is a final report, under the precedents of the Senate, the committee would be discharged.

Mr. HEFLIN. Mr. President, I make the point of order that it is the business of the Senate to say whether or not it will accept the report and is willing to have the committee discharged. If that were not true, a committee could make a partial investigation and come in with a partial report and ask to be discharged. It certainly is the business of the Senate, under the rules of the Senate, to say whether the Senate will accept a report as filed.

Mr. BRUCE and Mr. REED of Pennsylvania addressed the Chair.

Mr. HEFLIN. I would like to have a ruling on that.

Mr. BRUCE. I think I still have the floor—

Mr. REED of Pennsylvania. Mr. President—

Mr. BRUCE. But I am so beset on every side I am beginning to doubt it.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. BRUCE. I simply want to add that it does seem to me that it would be a most anomalous thing to discharge a committee from the further performance of its duties when the testimony on which its report to the Senate is based has not been brought to the attention of the Senate. It seems to me it would be premature at this time for the Senate to discharge our committee.

Mr. HEFLIN. Not only that—

Mr. BRUCE. There is an air of precipitation—

Mr. HEFLIN. In connection with what the Senator said, the committee is asking to be discharged when the testimony is not here, as the Senator from Maryland suggests. Why not wait until that is printed, so that we can all see it?

Mr. REED of Pennsylvania. Mr. President, my motion, whether I expressed it clearly or not, was a motion to adopt the report and discharge the committee. The discharge of the committee, I presume, would necessarily follow from the adoption of a final report.

Mr. BRUCE. It seems to me—

Mr. REED of Pennsylvania. I decline to yield to the Senator from Maryland, Mr. President—

Mr. BRUCE. There can be no doubt, from the tone of the Senator's voice, that he declines.

Mr. REED of Pennsylvania. When the Senator would not even acknowledge my request to him to yield.

Mr. BRUCE. I did yield. I took my seat. In point of fact, I had not completed my observations; but out of consideration for the Senator from Pennsylvania I took my seat. That is the most decisive evidence of yielding that a Senator can afford.

Mr. REED of Pennsylvania. Mr. President, we state in our report the substance of the hearings taken before the committee; and state the fact, which was that each of these Senators came before the committee and made under oath a comprehensive denial. That is all the Senators will find in the printed testimony that was taken.

Mr. President, it is not fair that this committee should remain in existence one moment longer, as if it were to be a depository of complaints or suspicions against these Senators or any others. We have stated our unqualified and unanimous conclusion that these documents are forgeries and fakes, and for the committee to remain in existence any longer would indicate that we have a doubt about it, which in fact we have not.

The committee has found the facts, it has made a final report on every particle of charges that has come to its attention, and it would be the height of injustice against all of these Senators—the Senator from Alabama, the Senator from Wisconsin, and the other two Senators—if we should continue as a committee in existence for one moment longer.

Mr. HEFLIN and Mr. WALSH of Massachusetts addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. I am not objecting to the part of the report which exonerates the Senator from Idaho and the Senator from Nebraska. All Senators know that they are entirely innocent of any wrongdoing and that all of the false testimony that has been accumulated against them is the work of crooks and criminals. There is no doubt about that. The country believes that they have been imposed upon, and that all of us have been imposed upon, by crooks and criminals.

I objected to the partial report that was made by the committee before when it asked for further time. Now it comes with its final report—and listen to a part of its partial report of a few months ago.

Speaking of Mr. Hearst, the committee said:

Mr. Hearst laid before the committee 71 documents, some, but not all, of which had been published in his newspapers. He testified that he had no evidence and knew of none which would tend to show that any Senator had received any such payment, and he testified that he personally did not believe that any Senator had received any. He admitted that no Senator mentioned in the documents had been given any opportunity to see the documents before publication or to deny the implied accusations contained in them.

Senators, what will it take to arouse the Senate to a sense of its duty? Here we have charges against United States Senators who were seeking to prevent war between the United States and Mexico, seeking to save the lives of thousands of American boys, and who were accused by the interests that want to involve us in war with Mexico of having an ulterior motive, that we were being paid for the services we had rendered. They brought this Mexican here and to New York; and he had dealings with Mr. Hearst's agent and was paid money, and Mr. Hearst admitted it. Then Mr. Hearst himself came and testified before the committee; and the committee states that he stated that he did not give a single one of us an opportunity to be heard or to see the stuff that he was publishing against us which sought to destroy us at the bar of public opinion for what we had done in the Senate from a sense of patriotic duty.

I submit, when the committee said that Mr. Hearst admitted that he did not let us see the false and forged papers before they were published in his papers, that he did not permit us to see the scandalous charges that he was broadcasting in his papers throughout the country, and that he confessed that he did not believe a word that was in them and that he thought these men were innocent, why did not the committee then say, "We condemn Mr. Hearst for his part in this matter. He deserves the condemnation and the scorn of the American people for what he has done toward these four United States Senators."

Why did not the committee do that? Is the committee afraid to attack Mr. Hearst because of his chain of newspapers? If we have reached the time in this body when we will not attack anybody who assails the honor and integrity of a United States Senator, we are coming to the point where some need to be weeded out of this body and somebody else sent here who will stand up and fight for the honor and integrity of the United States Senate. I think the committee ought to amend its report before this body finally discharges it and let it say: "In conclusion the committee desires to express its condemnation of Mr. Hearst for his part in this scandalous performance. We think that he deserves to be censured, that he deserves the condemnation of the Senate and of the American people."

Why should not that be done? Why is not the committee willing to take the report back and amend it so as to include that statement? They have permitted a man to attack four Senators and he goes out unscathed with not one word of criticism against him in the report. He is not censured anywhere in this final report.

I think that ought to be done, and I ask that the report be referred back to the committee for further consideration or that the report at least be postponed until the testimony connected

with it can be printed and put upon the desk of Senators. I ask unanimous consent that it may be withheld until the testimony can be printed and until we can have more time to look into the matter.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. REED of Pennsylvania. Yes, Mr. President; I must object. I think, in fairness to the Senators who have been named, the Senate ought to accept the report and discharge the committee now.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the committee itself is not in agreement as to whether it should be discharged—

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. REED of Pennsylvania. The report is unanimous and the report asks that the committee be discharged.

Mr. WALSH of Massachusetts. One of the members of the committee, if I can understand words correctly, has expressed a wish that the committee should not be discharged.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield.

Mr. BRUCE. We should bear in mind the fact that the Senator from Pennsylvania himself gave the reason why only the typewritten report was offered at the present time, and it was because the testimony has not yet been printed. That was the reason given by the Senator himself.

Mr. WALSH of Massachusetts. In view of this disagreement and the fact that the debate is likely to be prolonged, and the further fact that the Senator from Tennessee [Mr. McKellar] and the Senator from Connecticut [Mr. Bingham] and myself have been waiting for some time this afternoon to address the Senate upon the question of the Kellogg peace pact, I shall insist upon our right to go forward unless the matter can be acted upon by yielding the floor temporarily.

Mr. REED of Pennsylvania. Mr. President, this is a matter of highest privilege which has been taken up by unanimous consent of the Senate. I do not think that it requires the consent of any Senator to act on it. But under all the circumstances perhaps it will be wiser to allow my motion to go over until the testimony has been printed. I am anxious that when the Senate acts on the matter its action shall be absolutely unanimous so that no doubt may remain in anyone's mind of the judgment which has been passed on these unworthy charges.

Mr. WALSH of Massachusetts. I should hope if we could be unanimous on any subject it would be on this subject.

Mr. REED of Pennsylvania. Therefore I withdraw my objection and agree that the motion to adopt the report and discharge the committee may go over.

The VICE PRESIDENT. Without objection, it is so ordered.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. WALSH of Massachusetts. Mr. President, I desire to speak very briefly upon the subject under discussion, namely, the ratification of the Kellogg peace pact, and also to submit some observations with respect to the cruiser bill.

Mr. President, as I have listened to the debate and read the correspondence and the discussions with respect to this treaty in the various countries concerned, I have been profoundly impressed with the meager consideration given to the problem of peace and the means of promoting and securing it. The outstanding fact is that the entire discussion has been devoted to the consideration of the ways and means by which war can be waged by the several countries without violating this peace pact and escape its moral consequences.

The statesmen of nearly all these nations, including some of our own, have been vying with each other to read into this treaty ways and means of resorting to war. It is a sad commentary upon the extent to which many statesmen are removed from the popular pulse of the war-stricken peoples of the world and the intense and prayerful longings of the human family for immediate and irrevocable measures for the establishment of world peace.

During the time this treaty has been under consideration, namely, since June, 1927, not one less war machine or implement of war has been produced. On the contrary, more money has been appropriated and larger militaristic programs elaborated during this period than in any other period since the

World War. The Republic of France is to-day maintaining a larger armed force, with Germany disarmed, than it did in 1914 when Germany was armed. With Austria and Hungary disarmed by reason of the peace treaties of 1919-1921, the succession States, namely, Czechoslovakia, Rumania, and Yugoslavia, maintain to-day larger armies than was maintained by the former Austro-Hungarian Empire.

Since the Washington treaty of 1922, excluding vessels to be completed under the treaty, Great Britain has laid down and "appropriated for" for naval expansion 288,684 tons—74 vessels. Japan has laid down and appropriated for in the same period 125 vessels, with an aggregate tonnage of 361,452 tons. France with 119 and Italy with 83 new vessels, particularly submarines and destroyers, have closely followed the example of Great Britain and Japan. All have far exceeded the efforts of the United States in both total tonnage and in new naval vessels. During this period the United States has alone among the powers of the world refused to increase her military armament. Exclusive of 6 small river gunboats for use in China we have laid down only 11 new naval vessels with a total tonnage of 88,200.

Let me recapitulate: Since the Washington reduction of naval armaments treaty of 1922, excluding vessels permitted to be completed under that treaty, the great powers of the world have laid down and "appropriated for" for naval expansion, as follows: Japan, 125 vessels; Great Britain, 74; France, 119; Italy, 82; and the United States, exclusive of the small river gunboats, 11.

No statement of naval defenses, however, is comprehensive without considering merchant ships, for they are, in fact, an important part of a nation's navy. The World War demonstrated the great importance of large and modern merchant vessels in connection with naval operations. From the viewpoint of merchant vessels being an essential element of naval strength the United States' record displays a lamentable weakness. During the period from 1922 to 1927, covering ships of trans-oceanic service tonnage, the United States has been outbuilt by Great Britain 50 to 1, Germany 10 to 1, France 5 to 1, Italy almost 5 to 1, and Japan more than 4 to 1. This evidence of naval and merchant vessel expansion shows no aggressive attitude on the part of America, an attitude in sharp contrast to that of the other powers.

To such an extent has the mad race of armament proceeded since the World War that for several years following the conclusion of peace, France stipulated in her financial loans to the little entente states that large portions, from 20 per cent up, should be used for buying armaments from French industries. In one instance the whole loan was granted for the purpose of armament. Other loans were granted for the building of strategic railroads which had no productive purpose.

In the face of this record and in view of America's long delay in strengthening her greatly limited military equipment because of her desire to lessen the tax burden of her people and show an example of her sincere desire to bring about world peace and disarmament, it is not to be wondered at that our Government finds itself to-day so far behind the other great powers in naval establishments that it is reluctantly forced to undertake the building of new cruisers to maintain the semblance of an efficient Navy that is, in part at least, comparable with the navies of the other great powers which have refused to join with her in a further limitation of naval armament.

If any world power does not realize that the great majority are indignant at the apparent necessity of now taxing the people of the United States vast sums of money for the building of new cruisers, they do not know the public sentiment of America. It is with no enthusiasm that millions of Americans who are in no sense pacifists now realize because such little progress has been made in international disarmament that their Government is compelled to increase its financial burdens, not upon the wealthy classes but upon the masses of our people who finally bear all tax burdens, for national insurance in a "self-defense" war-conniving world.

In the last analysis the principal difference between the sentiments of so-called pacifists and other Americans, except the jingoes, is that the former, notwithstanding the attitude of the other nations toward disarmament, oppose any appropriation for additional armament in the hope of leading others to follow; the latter are reluctantly convinced that for the present at least the protection of the lives and property of our people demands the maintenance of our present military establishments—scarcely adequate under present world conditions for a nation preferring peace to aggression.

As an example of the subtle methods resorted to by the signatories of this peace pact to escape the moral responsibility of the treaty and justify future wars, let us quote from the correspondence of the Czechoslovakian Government preceding the signature of the pact.

I read in the Czechoslovak note of July 20, 1928, in paragraph (2) the following statement:

It is clear that there is nothing in this treaty in opposition either to the provisions of the covenant of the League of Nations, or to those of the Locarno treaties or the neutrality treaties, or, in general, to the obligations contained in existing treaties which the Czechoslovak Republic has hitherto made.

It seems to me that this is a very broad statement, and I was interested to look at some of those treaties which Czechoslovakia has concluded. Among others I found, for instance, a treaty between Czechoslovakia and Yugoslavia on August 14, 1920; another between Czechoslovakia and Rumania on April 23, 1921. I also found that article 2 of these treaties provides for military conventions. The treaties have been published by the League of Nations, but I was unable to find anywhere the military conventions. On the other hand, I see that these military conventions must exist somewhere, because in the renewal of these treaties—also published by the league—there are also provisions for the renewal of these military conventions. Does anyone seriously claim that military conventions are, as a rule, concluded for the purpose of renouncing war as an instrument of national policy. I am certain that the chairman of the Committee on Foreign Relations will agree that secret military conventions should not be excluded from the operation of this peace pact, or, in fact, from any international treaty which genuinely seeks to promote world peace. This statement and many similar statements set forth in the correspondence by various governments shows that by renouncing war they have sought to reserve means by which to resort to war.

I shall vote for the ratification of this treaty not because I am entirely certain that it is a real, genuine movement that will materially advance the ending of war and the promotion of peace of the world but because if the United States fail to ratify it now in view of their participation in the international negotiations that have brought it into being, would be misunderstood. It would place the United States, regardless of her sincere and profound desire and purpose to bring about peace in the world, in the position of an obstructionist to such a movement. The pact itself is nothing more than a statement of principle. We believe in the principle; why not say so? To do otherwise would justify the suspicion that perhaps after all we do not. Mankind, I believe, will still entertain the hope that, notwithstanding the efforts of the nations who have signified their approval of this treaty to reserve further for themselves various loopholes which would justify future wars and their studious efforts through their correspondence to provide excuses for future wars, the treaty may be another link in the chain now being forged by the public opinion of the world to bind the war spirit and to make resort to war less liable.

I feel very strongly, as I believe most Americans do, that we ought to keep free from obligations to support European quarrels or political alliances; but this should not prevent us from assuming moral obligations to help rather than hinder all movements to remove provocation to conflicts of arms. This is exactly what this pact does. Our very strength imposes this duty upon us. It sets up no machinery to enforce it. Its great purpose is to organize the moral influences of the world in behalf of adjustment of difficulties without conflict.

No one claims that any paper treaty can absolutely guard against war; but law can help to that desired end. This document is but a scrap of paper unless there is behind it the good faith of the rulers and people of the respective nations. Frankly, the haste and zeal with which they have sought to reserve to themselves excuses for future wars is disappointing to those who realize that without good faith the whole business is a gigantic piece of hypocrisy, temporarily narcotizing innocent and serious-minded lovers of peace.

As I see it, only one thing can put an end to warfare. It is not diplomacy nor disarmament. The people of the world must insist that the spirit of warfare be ruled out of their chanceries. What an indictment of democratic political leadership it is to realize that one of the main sources of strength and growth of the Bolshevism movement in Europe has been its advocacy of peace and its programs of disarmament!

The masses of human beings everywhere must realize who are responsible for war and center their attention upon remedies at the fountain source. Who are the war makers? The man in the street does not want war. It is he who must meet its terrible drafts of life and health; of man power and woman power and national resources; of taxes and waste and destruction; of corruption and violence and oppression.

The average citizen does not cherish the ideas that provoke war, hate and hypocrisy, fear and suspicion, industrial or commercial selfishness, deceitful propaganda, cunning and cir-

cumvention, espionage and treachery. He is guiltless of the common cause of war—ambition, envy, and national rivalry.

He knows too well what war has always meant for him and his children. He may be inarticulate, but he is persuaded of the vast and incurable immorality of war, and he hails with joy every argument or plan that tends to abolish it or diminish its menace. It is this common understanding which is now becoming articulate and is making outlawry of war the one sentiment that is paramount to the spirit of nationalism.

It is in the higher circles of life and of government, in the world of statesmanship, so-called, that wars originate. Statesmen and predatory forces are responsible for war.

For these men justice and charity, the great preventatives of war or its best remedies, are too often unfamiliar or impossible terms. Their philosophy of life is purely secular, usually a compound of materialism, of greed, of tangible advantage and cynical mistrust of human nature.

What the plain man and woman the world over want and will demand, once their power is internationally coordinated, from statesmen is good faith—that is, honesty of purpose and expression—and from jingoes dispossession of control of the agencies of government.

But there can be no good faith among men without an habitual sense of justice and charity; of justice because no difficulty or wrong is ever settled until it is settled rightly; of charity, because human nature is fallible, and therefore we ought to observe the golden rule, and deal with our neighbor as we want him to deal with us.

On these solid outlines of justice and charity and on them alone can public order, international law, and civilization rest secure. Unless they are worked, seriously and practically, into the education of all modern youth in every part of the world, I see no hope for a universal and lasting peace.

And their general recognition and acceptance, somehow, are indispensable, if we seriously hope to rid ourselves of the immemorial plague of war.

It may be said that this is religious education, but no one can say that it is sectarian, since it must appeal to all earnest lovers of peace, and has the approval of all men and women for whom the Old Testament and the New are yet law and light and hope. It is a part of that natural religion to which every heart can be led to pay homage.

I repeat, to me it seems certain that the criminal and immoral character of most war, and its unspeakable horrors, can never through legal enactment alone, be efficiently set forth for all mankind. It is in the light of the noble moral forces of justice and charity to which, in the long run, we owe all that is permanent in our civilization, that world peace will be consummated.

Mr. President, no man can here and now assess the benefits which may in years to come flow from this pact. They may be many, they may be few. It seems to me that it is much too soon to hail it as a great triumph or to brand it as an empty gesture. Time alone will determine that. It is a forward step toward world peace, but whether a large step or a tiny step the future will disclose.

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few moments to state my position upon this treaty.

Mr. President, I expect to vote in favor of ratifying the so-called Kellogg peace proposal.

Since I have been in the Senate I have supported the Bryan peace proposals; I have supported the League of Nations without reservations; I have supported our entrance into the World Court; and, with this record, I feel that I should support this pact, however weak and impotent it may be or seem. Some good might possibly come from it. It might deter some nation from making war. It might be the means of aiding in the peaceful solution of some international disagreements, and I want to take no chances. At least it can do no great harm.

Again, our ratifying the pact may draw our country to look more favorably upon the League of Nations or upon our entrance into the World Court, and for these reasons I am going to vote for the treaty.

It is true, I am quite convinced that some of those who are now urging this pact would not do so if they thought its adoption would bring us any nearer into the league or any nearer into the World Court, but I am hoping that they are mistaken. I believe they are for this reason: While it is true that substantially all of the leading nations who are now members of the league and of the World Court have signed this treaty on condition that it does not interfere with their membership in those organizations, when we ratify the treaty in substance we tacitly assert that our associates are members of those organizations, and that being members of those organizations they are at least desirous of peace. Under these circumstances I do not see how

the United States in the event of a controversy with another power which is a member of the League of Nations can very well refuse to settle the difficulty peaceably by submitting it to the tribunals set up by the league or by submitting it to the Permanent Court of International Justice if the other party to the dispute asks for this means of settlement. Therefore I am persuaded that our ratification of this document will bring us in closer connection with the league and with the World Court and their instrumentalities of settling disputes, and, believing in the efficacy of those instrumentalities to bring about peaceful solutions of international difficulties, I think I ought to cast my vote in favor of the pact, and I shall do so.

Another reason, Mr. President, why I am going to vote for the ratification of the pact is because while under the conditions set out by the various powers the treaty may be substantially meaningless, to vote against it might make my position as to war misunderstood. I think all international disputes ought to be settled by peaceful means, and, even though the value of this treaty with the conditions imposed seems to be remote, I want to take even a remote chance to prevent war.

Again, Mr. President, the treaty having been negotiated, the position of our country might be misunderstood by our neighbors if we should not ratify it, although it is true that whatever real value the ratification of the treaty may have has been greatly lessened or even dissipated by the conditions imposed by the various Governments in ratifying it.

For instance, take the case of Great Britain. She retains the right to disregard the treaty entirely as to all questions affecting her colonies or interests in any part of the world, wherever situated.

Mr. Chamberlain states the matter plainly:

His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

This exception is all embracing and it leaves Great Britain in exactly the same position she was before she signed the pact. She can spend any sum, pursue any course, build any forts or arsenals or navies, take any steps in reference to her colonies anywhere—and they cover the world. She also reserves full freedom of action in reference to any matter as to which she might be bound under the League of Nations covenant or under the treaty of Locarno. If, under those treaties, an offensive war should be called for, she would be at perfect liberty to enter into such warfare.

All the other great nations have to a more or less degree made similar conditions. As I understand the chairman of the Foreign Relations Committee, our country is the only one of the great nations that have been called upon to sign the treaty without reservations, limitations, or conditions.

I have read Secretary Kellogg's notes and speech, and apparently he has made a very definite and studied effort not to raise in any way the question of the Monroe doctrine. This, to my mind, is very unfortunate. Our signature to the pact ought to be on the condition that it is not in any way to affect our adherence to the Monroe doctrine. It ought not to affect in any way our protection of our dependencies. It ought not to affect in any way our self-defense. In other words, we ought to sign this pact on conditions similar to those which have been imposed by other nations which have signed it. Unless we do, instead of its being a multilateral treaty it will be a unilateral treaty binding only the United States. I shall cheerfully vote for a reservation by the Senate that it is understood that the Monroe doctrine is not to be interfered with.

In casting my vote in any event I want it distinctly understood that I reserve for myself, and as far as I can for my country, absolute freedom of action as to our own self-defense, freedom of action as to our dependencies, and our continued and absolute adherence to the Monroe doctrine.

It is admitted, Mr. President, that all these various letters of the various powers are substantially parts of the treaty, or, at least, that they constitute the various nations' interpretation of the treaty, of which all parties to the compact must take notice.

It is peculiar, therefore, Mr. President, that all the great nations except the United States alone have signed upon conditions. Thus Germany has inserted her conditions, Great Britain hers, Canada hers, Japan hers, Poland hers, and France hers. Italy of the great powers alone seems not to have yet made conditions. Whether she has signed the treaty or not I am not sure. I have no doubt that when she does sign it she will impose the same conditions as have been imposed by France, Great Britain, and Japan. Why is it, then, that the

United States should be required to sign without conditions? It can not be pride of authorship, for as I read these letters it is admitted that the treaty was first drawn in substantially the same language by Monsieur Briand, of France. There can not be the fear of causing offense to our South American neighbors, because our South American neighbors are just as much interested in our Monroe doctrine as we are. Why, then, the studied effort to exclude all mention of the Monroe doctrine from any of the negotiations? There must be some motive behind it. Why should we ratify the treaty without having this motive expressed?

Everyone admits that there is no way of enforcing the treaty, and everyone admits that each nation shall be the judge of whether it has violated the treaty. If all the other nations affix conditions which will give them excuses for violating the treaty and America fixes no such conditions, then it is perfectly apparent that it is a treaty which virtually binds only America. I am greatly interested in binding America to keep the peace, but at the same time I want all the other nations signing the treaty bound in like manner as we are bound. Then if we can not bind them with us we should be bound in the same manner that they are bound.

Mr. President, I would to heaven that there should never be another war. It is a barbarous way of settling international disputes. We should leave no step untaken to secure the permanent peace of the world; but it will be of little avail if we bind ourselves never to go to war and fail to bind at least our warlike neighbors.

Our Government made a unilateral agreement in 1922 under the guise of a multilateral agreement. I speak of the disarmament pact, under which pact the United States dismantled the best part of its Navy, or sunk the best part of its Navy, while no other country did. It was a very unwise step, and as soon as that treaty expires by limitation it ought not to be renewed.

Everybody knows now that in the limitation of arms agreement we did not get what we bargained for. Everybody knows now that while the United States yielded her place of equality on the seas she got no reduction in the British naval armaments. She just sunk her own Navy and gave Great Britain until 1936 the continued undisputed mastery of the seas. The British people are our kinsmen and our friends, and I hope this relation of friendship will ever exist; but, Mr. President, if it does exist, as it ought to exist, it ought to exist on terms of national equality. It can only exist in that way upon terms of equality.

In my judgment the peace of the world can only be permanently secured by the United States and Great Britain each having a Navy equal in size, in armament, and in power, so that neither will be able to go to war with the other, with an agreement that each will keep the peace. Whenever this is brought about it will be easy for these two great English-speaking peoples not only to secure but to enforce the peace of the world. Whenever this is done it will be easy to secure a real limitation of armament. In my judgment it is the only way in which the permanent peace of the world can be secured.

Of course, it is all well enough to express ourselves as being in favor of peace, but we can not blind ourselves to the facts of history and to the frailties of human nature.

We all recall from history that after the Napoleonic wars ended in 1815 there were innumerable peace treaties. Everybody wanted to put an end to war forever. The most celebrated of these treaties was the Holy Alliance between the Emperor of Austria, the King of France, the King of Great Britain, the King of Prussia, and the Emperor of all the Russias.

I quote from one of these treaties, as follows:

The intimate union established among the monarchs, who are joint parties to this system, by their own principles, no less than by the interests of their people, offers to Europe the most sacred pledge of its future tranquillity.

The object of this union is as simple as it is great and salutary. It does not tend to any new political combination—to any change in the relations sanctioned by existing treaties. Calm and consistent in its proceedings, it has no other object than the maintenance of peace, and the guaranty of those transactions on which the peace was founded and consolidated.

The sovereigns in forming this august union have regarded as its fundamental basis their invariable resolution never to depart, either among themselves or in their relations with other States, from the strictest observation of the principles of the right of nations; principles which, in their application to a state of permanent peace, can alone effectually guarantee the independence of each government and the stability of the general association.

Faithful to these principles, the sovereigns will maintain them equally in those meetings at which they may be personally present, or in those which shall take place among their ministers; whether they be for purpose of discussing in common their own interests, or whether they shall relate to questions in which other governments shall formally

claim their interference. The same spirit which will direct their councils, and reign in their diplomatic communications, will preside also at these meetings; and the repose of the world will be constantly their motive and their end.

It is with these sentiments that the sovereigns have consummated the work to which they were called. They will not cease to labor for its confirmation and perfection. They solemnly acknowledge that their duties toward God and the people whom they govern make it peremptory on them to give to the world, as far as it is in their power, an example of justice, of concord, and of moderation; happy in the power of consecrating, from henceforth, all their efforts to protect the arts of peace, to increase the internal prosperity of their States, and to awaken those sentiments of religion and morality, whose influence has been too much enfeebled by the misfortune of the times.

This declaration, while a little more high-sounding and a little longer than the so-called Kellogg pact, nevertheless contains about the same sentiments, namely, that these nations were not going to resort to war. The Kellogg pact goes a little further, and states that only peaceful methods of settling international disputes will be used, and that war is renounced; but, after all, it is a declaration of sentiment just as the proposal of the Holy Alliance. That alliance did some good, though it was not long before the nations were at war again.

I am sincerely hopeful that the expression of sentiment contained in this pact will likewise do some good. At all events, the psychology of it is good. At all events, its expression of purpose is good. At all events, the intention of it is good. Evidently it has caught to a very large extent the attention of the public in this country, and, I hope, in all countries. In this way the treaty may have a good moral effect—a good psychological effect. Being an ardent advocate of peace, I sincerely hope that its effect will be all that is claimed for it by its friends.

Mr. President, I want to add just a word.

I read in this morning's Washington Post, in an article under the headline of Drive Against Cruiser Bill Seems to Help Passage, a statement given out by some unnamed person who quotes me as saying the following:

Tennessee next.

I called on Senator McKELLAR, and he said the pact didn't amount to anything. He said the only way you can have peace on earth is to have a navy bigger than England's. Can you believe me when I say it?

I just want to say, Mr. President, that, of course, I can not believe this unnamed person, whoever it may be, when he or she says it. There is not a word of truth in the statement. I made no such statement. I never made any statement concerning Great Britain and America and peace other than that which I have just made in the few remarks I have made. Whoever quoted me as making any such statement has quoted me wrongly. There is no ground whatsoever for the statement. If it is a lady who makes the statement, I will simply say that she is mistaken. If it is a gentleman who made the statement, he did it without having any right to make it.

I have said for many years that the best way to secure the peace of the world is for the two great English-speaking nations of the world—to wit, Great Britain and the United States—to agree that there will be peace, and then, to guarantee their agreement, to have their navies just exactly, as far as it is practicable, of the same size. That is the only statement I have made; and, of course, whoever attempted to quote me did so wrongly.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Certainly.

Mr. BLAINE. I just wanted to be clear about the situation, and inquire whether the Senator's position was not very much like that of the distinguished Premier of Italy, when he said, "Why, we will just rush to sign any peace pact, but, mark you, we are going to arm to the teeth."

Mr. McKELLAR. My feeling is not exactly that. However, I think, being a man of common sense—and I hope I have common sense—we ought to deal with these pacts with great care. I notice in the literature that has been published in connection with this pact every other nation except the United States has announced its adherence to the pact upon conditions, and those conditions are printed, and are published throughout the world. Of course, we must take those statements for what they are worth, and as each of these nations has the right to construe its own advocacy of this pact, or the conditions each lays down in having signed the pact, then such statements are a part of the treaty. Whether they are in so many words or not, they are a part of the treaty.

What I can not understand is why, with all other nations having signed the pact conditionally, America alone is asked to sign it unconditionally. So far as I am concerned, I very much prefer that the Monroe doctrine be specially ex-

empted from it, or that we should pass an independent resolution stating our adherence to the Monroe doctrine, whether or not we sign the pact with reservations. I am as strong for the Monroe doctrine as I have ever been, and I expect to so continue.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

RIGHTS OF NEUTRALS AND FREEDOM OF THE SEAS

Mr. REED of Missouri. Mr. President, I desire to submit a resolution and I want to offer a word of explanation. I shall not take more than three minutes. I ask to have the resolution read for the information of the Senate. I will not ask for action on it to-night.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will read the resolution.

The resolution (S. Res. 294) was read, as follows:

Resolved, That the President of the United States is respectfully requested to negotiate treaties with the principal nations for the protection of the rights of neutrals and freedom of the seas, embracing the doctrines set forth in article 12 of the treaty of 1785, negotiated by Benjamin Franklin, Thomas Jefferson, and John Adams, between Prussia and the United States.

Mr. REED of Missouri. Mr. President, in order that the resolution may be understood, I desire to read article 12 of the treaty referred to in the resolution. It is as follows:

ARTICLE XII

If one of the contracting parties should be engaged in war with any other power the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, inasmuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy. (From treaty of amity and commerce concluded September 10, 1785; ratified by the Congress May 17, 1786; ratifications exchanged October, 1786.)

Mr. President, I am not offering this as any reservation or resolution in connection with the pending treaty, or as in any manner connected with it. I intend to address the Senate touching this resolution at the appropriate time and to ask for action upon it. Let it be distinctly understood that it has nothing to do with the pending treaty.

The PRESIDING OFFICER. The resolution will lie on the table.

STATE AERONAUTICAL LEGISLATION

Mr. BINGHAM. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD Aeronautics Bulletin No. 18, of the Department of Commerce aeronautics branch, dated August 1, 1928, entitled "State Aeronautical Legislation and Abstract of State Laws."

This is the season when State legislatures are convening, and I desire to call the attention of Senators to the fact that the air commerce act of 1926, which regulates flying, flying machines, and pilots, applies only to interstate commerce, and there is no law in some 20 States which would prevent a pilot who had no license from taking money to take up a passenger who was unacquainted with the situation in a plane that had not passed the Government test, provided that he did not go out of the boundaries of his own State.

It is quite extraordinary, Mr. President, that States that have as much interest in flying and as much territory to fly over as Illinois, Indiana, Iowa, Missouri, Texas, and a number of others which are given in a list here have no legislation whatever regulating flying of an intrastate character.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. ROBINSON of Arkansas. Has the Senator considered the advisability of printing the provisions of the Federal law on the subject in connection with the document to which he is referring?

Mr. BINGHAM. Does the Senator mean the air commerce act of 1926 or the regulations?

Mr. ROBINSON of Arkansas. The air commerce act, and any other statutes, if there be other statutes, dealing with the subject, or compilation or codification of the provisions of Federal law relating to the subject. I merely made the inquiry because it seems to me that it would be very convenient to have the Federal statutes in connection with the State statutes which the Senator is having printed. I have no objection to the request the Senator is making.

Mr. BINGHAM. I thank the Senator for his suggestion, and in accordance with the suggestion I shall be glad to ask that there be printed at the end of this pamphlet the Federal statute regulating flying in interstate commerce.

The pamphlet which I have in my hand suggests various forms of legislation which the legislatures of the different States might adopt. It also contains the text of a uniform State law, which has already been adopted by Delaware, Idaho, Maryland, Michigan, Nevada, North Dakota, South Dakota, Tennessee, Utah, and Vermont.

That uniform State law has certain defects, to one of which in particular I desire to call the attention of the Senate for a moment. It is in section 5 of this proposed law, which provides that—

The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not.

That law does not apply in States like Connecticut and Massachusetts, which have their own State laws, and which recognize the fact that the operator and owner of an airplane should not be liable if something happens for which he is not responsible and for which he can not be held negligent. With that exception, I think the uniform State law is a good one.

About 14 States have adopted their own legislation, as I have read, and about 10 or 11 States have adopted this uniform State law. But 20 States have not adopted any legislation, and in view of the fact that the Department of Commerce has pointed out that 85 per cent of the fatal accidents in aviation in the United States last year took place with unlicensed pilots and unlicensed planes, it seems to me that for the future of aeronautics and for the safety of aviation Senators ought to urge upon their States that they either do what New York State did last year, in adopting a law that no one could fly in the State unless he had a Federal license, and was flying in a Federally inspected plane, adopt a good law of their own, or adopt the uniform State law. Something should be done to make flying safer in the States which have no legislation.

Mr. ROBINSON of Arkansas. Of course, the subject matter is of very great importance, but as to the Senator's suggestion, I would not undertake to tell my State, with my present limited knowledge, what I think it ought to do about it. I think Congress does very well if it legislates intelligently within the sphere of its own powers.

Mr. BINGHAM. May I say to the Senator that the State of Arkansas, which he represents in such a distinguished manner on the floor of the Senate, has its own aeronautical legislation, and is not one of the States that has passed no legislation.

Mr. ROBINSON of Arkansas. The State of Arkansas is very greatly interested in the subject of aeronautics, and many aeronautical organizations exist, many landing fields have been established, and there is quite an active effort there to promote air navigation.

Mr. BLAINE. Mr. President, if the Senator will yield just for a suggestion—

Mr. BINGHAM. I yield.

Mr. BLAINE. There is an organization known as the Commission on Uniform Legislation, and I understand that all of the States are represented on that commission. They have been working out uniform legislation along the lines of banking and many other subjects, and that is the appropriate organization to which a subject of this kind might be referred by any individual who was interested in it. That is a very effective way to bring about uniformity in legislation. I think the commission is a very earnest body; they have their annual meetings, they have their separate committees, as I understand it, and devote a great deal of time and consideration to developing uniformity of legislation. If some suggestion were made to that commission along the line suggested by the Senator, there would not be a feeling that the Senate of the United States or a Member of the Senate was undertaking to tell the State what it ought to do.

Mr. McKELLAR. Mr. President—

Mr. BINGHAM. Mr. President, may I say to the Senator from Wisconsin that his own State has passed legislation prohibiting flying over thickly settled areas and at low elevations, but has done nothing with regard to protecting individuals who desire to fly from flying with pilots who are unfitted for their work or in aircraft that are unairworthy. There is no mention made in the law with regard to the licensing of pilots or of planes, and I hope very much that he will call the attention of his friends at home to the fact that Wisconsin has an opportunity there to protect its own citizens from the dangers of flying in unlicensed planes or with unlicensed pilots in intrastate traffic when the Federal Government has already protected them in interstate traffic.

I yield now to the Senator from Tennessee.

Mr. McKELLAR. As I understand it, Tennessee is one of the States that has a uniform law.

Mr. BINGHAM. Tennessee has passed a uniform State law as recommended by the commission.

Mr. McKELLAR. The Senator's only purpose this afternoon is to have the article printed in the RECORD? It is not to take any steps?

Mr. BINGHAM. There are no steps that Congress could properly take, in my opinion.

Mr. McKELLAR. I can not imagine what steps, other than the mere use of good influences, a step which Congress could take, because it would have no right or authority.

Mr. BINGHAM. Absolutely. It is not a matter of interstate commerce but of intrastate commerce. I merely wanted to call attention to the fact that some States have no legislation to protect their citizens from flying in unlicensed aircraft with unlicensed pilots within the boundaries of their own State.

The PRESIDING OFFICER. Without objection, the request of the Senator from Connecticut is granted.

The matter referred to is as follows:

[From Aeronautics Bulletin No. 18 (formerly Information Bulletin No. 41), August 1, 1928]

DEPARTMENT OF COMMERCE,
AERONAUTICS BRANCH.

STATE AERONAUTICAL LEGISLATION AND ABSTRACT OF STATE LAWS

Because of the fact that the air commerce act of 1926, under which the Department of Commerce functions in the matter of regulating civil aeronautics, does not require intrastate operators and aircraft to be registered and licensed, there has developed the necessity for uniform State legislation. The interest on the part of the various States has become so universal, and the requests for suggestions in the premises so numerous that the department has prepared this bulletin, containing three drafts of proposed State legislation covering the subject. Each is designed to accomplish the apparent necessities and at the same time bring about the extremely desirable feature of uniformity. There is also included suggested legislation concerning the acquisition and maintenance of airports.

The drafts dealing with licensing have been designated by the numbers 1, 2, and 3, in the order of their apparent desirability, and are discussed in that order. The fourth draft concerns acquisition and maintenance of airports.

No. 1. This draft is premised upon legislation recently enacted by the State of New York, with changes which are designed to remove certain ambiguities. It requires a Federal license for all pilots and all aircraft operating within the State. It would not necessitate any additional personnel or any increase in cost to the State. Local police authorities could handle violations thereof in the same manner now provided for motor vehicles. Transgressions thereunder would be for violation of the State law requiring a Federal license rather than a violation of the Federal act.

No. 2. This draft is suggested as an amendment to the State penal code and accomplishes the same result as outlined above. It has been suggested that this draft may conflict with some of the State constitutions; therefore consideration should be given this question before enactment is undertaken. It is recommended for its brevity and conciseness and is without equivocation.

No. 3. This draft is modeled after one prepared by a committee of the American Bar Association and requires either a State or Federal license. Such legislation would necessitate setting up a State inspection system with its attendant costs and complications. The draft, however, does not contemplate the actual issuance of licenses by the State. Rather it is intended that the State and Federal license requirements will be identical, in which case the applicant would prefer the latter because of its broader privileges. This draft does not definitely assure uniformity to the same extent as the preceding ones. It would permit a given State to depart from the Federal requirements, with its consequent confusion to the industry, thus defeating the purpose of uniform State legislation. If, due to some State constitutional provision, this draft is the best type of legislation that can

be enacted, it is highly desirable that extreme caution be exercised in promulgating requirements for State licenses in order that they may conform to the Federal requirements.

Legislation throughout the United States requiring only Federal licenses would be of real benefit to manufacturers, operators, and pilots, who would then know that compliance with the Federal regulations would also be compliance with State regulations; also, there would then be uniform throughout the country one set of aeronautical standards, obviating a multiplicity of licenses and conflicting regulations with their attendant costs to the States.

No. 4. This draft is a suggested premise for States desiring to acquire landing fields and airports. Such legislation will depend entirely upon the fiscal legislation of the State and has been provided for informative purposes only, being a revision of legislation already enacted by some of the States. Such legislation may be combined with regulatory features outlined above or may be enacted as a separate measure.

"NO. 1. AN ACT CONCERNING THE LICENSING OF AIRMEN AND AIRCRAFT AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO

"Be it enacted—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. 'Operating aircraft' means performing the services of aircraft pilot.

"SEC. 2. Aircraft; construction, design, and airworthiness; Federal license: The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the State unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force.

"SEC. 3. Qualifications of operators; Federal license: The public safety requiring and the advantages of uniform regulations making it desirable in the interest of aeronautical progress that a person engaging within this State in navigating the aircraft described in section 2 hereof in any form of navigation for which license to operate such aircraft would be required by the United States Government shall have the qualifications necessary for obtaining and holding the class of license required by the United States Government. It shall be unlawful for any person to engage in operating such aircraft within this State in any form of navigation unless he have such a license.

"SEC. 4. Possession and display of license: The certificate of the license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager, or person in charge of any airport or landing field in this State upon which he shall land.

"SEC. 5. Penalties: A person who violates any provision of this article shall be guilty of a misdemeanor and punishable by a fine of not more than \$100, or by imprisonment for not more than 90 days, or both: *Provided, however,* That acts or omissions made unlawful by this article shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States; but it shall not be necessary to allege or prove, as part of the case for the people, that the defendant is not amenable, on account of the alleged violation, to prosecution under laws of the United States. That he is amenable to such prosecution shall be matter of defense, unless it affirmatively appear from the evidence adduced by the people.

"SEC. 6. Time of taking effect: This act shall take effect the — day of —, 192—.

"NO. 2. AN ACT CONCERNING AERONAUTICS

"Be it enacted—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term 'public aircraft' means an aircraft used exclusively in the governmental service. The term 'civil aircraft' means any aircraft other than a public aircraft. The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 2. Licensing of aircraft and airmen: Any person who navigates within this State any aircraft without a pilot's certificate issued by the Department of Commerce of the United States, or without a valid certificate of airworthiness for such aircraft issued by said Department of Commerce, or in violation of the air commerce regulations which have been, or may hereafter be, promulgated by the Department of Commerce

of the United States, shall be guilty of a misdemeanor and punishable by a fine of not more than ——— dollars or imprisonment for not more than ———, or both.

"Sec. 3. Repeal: All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

"Sec. 4. Time of taking effect: This act shall take effect ———.

"NO. 3. AN ACT CONCERNING THE LICENSING OF AIRMAN AND AIRCRAFT AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO

"Be it enacted—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term 'public aircraft' means any aircraft used exclusively in the Federal governmental service or the State governmental service. The term 'civil aircraft' means any aircraft other than public aircraft. The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"Sec. 2. Power to regulate: The ——— shall administer the provisions of this act, and for such purpose is authorized to make such regulations as are necessary to execute the functions vested in him by this act, which regulations shall conform to and coincide with, so far as possible, the provisions of the air commerce act of 1926, and amendments thereto, passed by the Congress of the United States, and the air commerce regulations and air traffic rules issued pursuant thereto.

"Sec. 3. Aircraft license required: No civil aircraft shall be flown or operated in this State unless such aircraft is licensed as provided by section 5 of this act, or shall have been licensed and registered under the provisions of the air commerce act of 1926 and amendments thereto and the air commerce regulations and air traffic rules issued pursuant thereto.

"Sec. 4. Airman license required: No person shall serve as an airman in connection with any civil aircraft when such aircraft is flown or operated in this State until he shall have obtained a license as provided in section 6 of this act, or shall have been licensed under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto.

"Sec. 5. Licensing of aircraft: The ——— shall provide for the issuance and expiration and for the suspension and revocation of licenses of civil aircraft not licensed and registered under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto.

"Sec. 6. Licensing of airmen: The ——— shall provide for the issuance and expiration and for the suspension and revocation of licenses as airmen not licensed under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto, but to persons applying for such licenses in accordance with the regulations promulgated by him.

"Sec. 7. Public aircraft excepted: The provisions of this act shall not apply to public aircraft owned by the Government of the United States or by this State.

"Sec. 8. Violation of this act a misdemeanor: Any person who navigates within this State any civil aircraft without an airman's license issued in accordance with the provisions of this act or the air commerce act of 1926 and amendments thereto, or without a valid license for such aircraft issued in accordance with the provisions of this act or the air commerce act of 1926 and amendments thereto, or who violates any provision of this act or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and punishable by a fine of not more than ——— dollars, or by imprisonment for not more than ——— or both.

"Sec. 9. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"Sec. 10. Short title: This act may be cited as the 'Uniform State air licensing act.'

"Sec. 11. Repeal: All acts or parts of act which are inconsistent with the provisions of this act are hereby repealed.

"Sec. 12. Separability: If any provision of this act is declared unconstitutional or the applications thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"Sec. 13. Time of taking effect: This act shall take effect ———.

"NO. 4. AN ACT AUTHORIZING CITIES, VILLAGES, TOWNS, AND COUNTIES TO ESTABLISH, CONSTRUCT, IMPROVE, EQUIP, MAINTAIN, AND OPERATE AIRPORT OR LANDING FIELDS

"Be it enacted—

"SECTION 1. The local legislative body of any city, village, or town in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports

or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages, and towns, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town.

"Sec. 2. The local legislative body of any county in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such counties, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such county.

"Sec. 3. Any lands acquired, owned, controlled, or occupied by such cities, villages, towns, or counties for the purposes enumerated in sections 1 and 2 hereof shall and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity, and such cities, villages, towns, or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity.

"Sec. 4. Private property needed by a city, village, town, or county for an airport or landing field shall be acquired by purchase if the city, village, town, or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town, or county is authorized to acquire real property for public purposes, other than street purposes, or, if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price or award for real property acquired for an airport or landing field may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds of the city, village, town, or county, as the local legislative body of such city, village, town, or county shall determine, subject, however, to the adoption of a proposition therefor at a municipal election, if the adoption of such a proposition is a prerequisite to the issuance of bonds of such municipality for public purposes generally.

"Sec. 5. The local legislative body of a city, village, town, or county which has established an airport or landing field and acquired, leased, or set apart real property for such purpose may construct, improve, equip, maintain, and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance, and operation thereof, in any suitable officer, board, or body of such city, village, town, or county. The expenses of such construction, improvement, equipment, maintenance, and operation shall be a city, village, town, or county charge as the case may be. The local legislative body of a city, village, town, or county may adopt regulations and establish fees or charges for the use of such airport or landing field, or may authorize an officer, board, or body of such village, city, town, or county having jurisdiction to adopt such regulations and establish such fees or charges, subject, however, to the approval of such local legislative body before they shall take effect.

"Sec. 6. The local authorities of a city, village, town, or county to which this act is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such city, village, town, or county a sum sufficient to carry out the provisions of this act.

"Sec. 7. This act shall take effect immediately."

The State laws abstracted herein are by no means recommended, but are set forth as a comparison to emphasize the need of uniformity in State legislation in conformity with the progress aeronautics have made within the last two years. The so-called uniform State law of aeronautics set forth in detail is an especially good example of the urgent need for revision of such legislation.

The confusion to the industry at the present time is obvious from a study of the multiplicity and variation of requirements.

The drafts suggested at the beginning of this bulletin were prepared to minimize this confusion.

ABSTRACT OF STATE LAWS ON AERONAUTICS NOMENCLATURE

Aeronautics: The science and art pertaining to the flight of aircraft.

Aviation: The art of operating heavier-than-air craft.

Aerostation: The art of operating lighter-than-air craft.

TYPES OF STATE AERONAUTIC LAWS

State aeronautic legislation has been of two types—regulatory laws providing for licensing of airmen and aircraft, air-traffic rules, etc., and nonregulatory laws, such as the uniform State law, the purpose of which is to establish the legal status of air navigation in relation to general law.

The District of Columbia law, being regulatory in character, and the regulatory provisions of the Hawaii law were superseded by the Federal air commerce act of 1926. The California and Florida laws became void under express provisions that they would be in effect only until Federal legislation entered the field. Regulatory provisions of other State laws are superseded by the Federal air commerce act of 1926 in so far as they are inconsistent with it.

In the following States there is no State aeronautical legislation:

Alabama, Arizona, Georgia, Illinois, Indiana, Iowa, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Texas, Washington, and West Virginia.

UNIFORM STATE LAW

A "uniform State law of aeronautics" has been adopted and is still in force in the following States and Territories. In Michigan the uniform State law has been supplemented by regulatory legislation. The regulatory provisions added to the uniform State law as adopted in Hawaii were superseded by the Federal air commerce act of 1926.

Delaware, 1923 (ch. 199, approved March 23, 1923).

Hawaii, 1923 (Revised Laws of Hawaii, 1925, secs. 3894-3905).

Idaho, 1925 (ch. 92, approved February 25, 1925).

Maryland, 1927 (ch. 637, approved April 26, 1927).

Michigan, 1923 (No. 224, approved May 23, 1923).

Nevada, 1923 (ch. 66, approved March 5, 1923).

North Dakota, 1923 (ch. 1, approved February 5, 1923).

South Dakota, 1925 (ch. 6, approved February 24, 1925).

Tennessee, 1923 (ch. 30, approved February 16, 1923).

Utah, 1923 (ch. 24, approved February 28, 1923).

Vermont, 1923 (No. 155, approved March 26, 1923).

TEXT OF UNIFORM STATE LAW

"An act concerning aeronautics and to make uniform the law with reference thereto

"Be it enacted—

"SECTION 1. Definition of terms: In this act 'aircraft' includes balloon, airplane, hydroplane,¹ and every other vehicle used for navigation through the air. A hydroplane while at rest on water and while being operated on or immediately above water shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft.

"'Aeronaut' includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

"'Passenger' includes any person riding in an aircraft but having no part in its operation.

"SEC. 2. Sovereignty in space: Sovereignty in the space above the lands and waters of this State is declared to rest in the State, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this State.

"NOTE.—Hawaii substitutes 'Territory' for 'State.' Both Hawaii and Michigan omit the words 'pursuant to a constitutional grant from the people of the State.'

"SEC. 3. Ownership of space: The ownership of the space above the lands and waters of this State is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section 4.

"NOTE.—Idaho omits the words 'subject to the right of flight described in section 4'; deleted on amendment.

"SEC. 4. Lawfulness of flight: Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable as provided in section 5.

"NOTE.—Utah adds 'or damaging' after the word 'dangerous.'

"SEC. 5. Damage on land: The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person or owner or bailee of the injured property shall have a lien on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

"NOTE.—Utah adds 'or damage' after the words 'liable for injuries' and after the words 'causing the injury.' There is also inserted 'injury' after the words 'to the extent of the.'

"SEC. 6. Collision of aircraft: The liability of the owner of one aircraft to the owner of another aircraft or to aeronauts or passengers on

either aircraft for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

"SEC. 7. Jurisdiction over crimes and torts: All crimes, torts, and other wrongs committed by or against an aeronaut or passenger while in flight over this State shall be governed by the laws of this State; and the question whether damage occasioned by or to an aircraft while in flight over this State constitutes a tort, crime, or other wrong by or against the owner of such aircraft shall be determined by the laws of this State.

"SEC. 8. Jurisdiction over contracts: All contractual and other legal relations entered into by aeronauts or passengers while in flight over this State shall have the same effect as if entered into on the land or water beneath.

"SEC. 9. Dangerous flying a misdemeanor: Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this State, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor and punishable by a fine of not more than \$500 or imprisonment for not more than one year, or both.

"NOTE.—Idaho sets the penalty as \$100 or six months, or both. Maryland sets penalty at \$1,000 or six months, or both. Nevada makes the imprisonment six months. In South Dakota the fine is \$1,000 and imprisonment six months. Utah adds 'loose sheets of paper' after 'water' and sets the fine at \$300 and the imprisonment six months. Vermont's fine is \$100. Hawaii adds 'or paper handbills' after 'ballast' and sets the fine at \$1,000.

"SEC. 10. Hunting from aircraft a misdemeanor: Any aeronaut or passenger who, while in flight within this State, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than ——— or by imprisonment of not more than ———, or both.

"SEC. 11. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics.

"NOTE.—Nevada adds at the end of this section: 'It shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.' Hawaii adds 'and Territories' after 'States.' Michigan omits this section.

"SEC. 12. Short title: This act may be cited as the uniform State law for aeronautics.

"SEC. 13. Repeal: All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

"SEC. 14. Time of taking effect: This act shall take effect ———."

ABSTRACTS OF OTHER STATE LAWS

Acts granting authority to acquire land for airports or other navigation aids and the like have not been included. Neither have there been included local ordinances.

Each of the following States requires original or periodic examination of pilots and inspection of planes:

Arkansas, Connecticut, Colorado, Florida, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Virginia, and Wyoming.²

A similar requirement prevails in all Territories and possessions of the United States² and in the District of Columbia² and the Panama Canal Zone.³

The State laws hereinafter digested do not, of course, comprise either a digest of the entire law applicable in respect of the registration or licensing of pilots and aircraft, or all the air-traffic rules applicable to interstate or intrastate air navigation. Under the air commerce act of 1926 the air-traffic rules promulgated by the Secretary of Commerce apply to all air navigation, commercial or noncommercial, interstate or intrastate.

Under the air commerce act of 1926 the requirements as to the registration of aircraft and certificates of airworthiness therefor and as to certificates for airmen apply not only to interstate transportation of passengers or property for hire but also to interstate "navigation of aircraft in furtherance of a business or navigation of aircraft from one place to another for operation in the conduct of a business."

Such requirements also apply to such transportation and navigation between two points in the same State but through any place outside thereof, and between two points within the Territories of Alaska or Hawaii or the District of Columbia or any possession of the United States.

² Registration in Wyoming dependent on Federal licenses, which require pilot examination and plane inspection.

³ Federal regulations under air commerce act control. Licensed planes are inspected, while those "identified" or merely registered are not required to be inspected.

¹ The word "hydroplane" and "aeronaut" are erroneously used, according to official nomenclature.

	Uniform State law	Arkansas	Colorado	Connecticut
Authority.....	No mention.....	State aircraft board, 3 members.....	Commission of aeronautics, 3 members. Board to provide.....	Commissioner of aviation(sic) ¹ and advisory board of 7 members. Annual, on inspection.
Aircraft registration and inspection. ²	do.....	Annual on inspection, free; additional inspection, \$5. Vendor notifies board; vendee obtains transfer on \$1 fee.	No mention.....	Registration expires, on transfer; vendor returns certificate with notice.
Pilot license.....	do.....	Annual, on examination.....	On periodic examination.....	Annual, on examination.
Students.....	do.....	No license until solo stage.....	No mention.....	No license until solo stage; non-licensed persons must be accompanied by licensed pilot.
Fees.....	do.....	Private plane, \$15; commercial plane, \$50; private pilot license, \$10; commercial pilot, \$50; manufacturer or dealer license, \$50 for 3 planes.	do.....	Plane registration, \$25; experimental registration, \$2; initial pilot examination, \$15; annual pilot examination, \$10; semiannual pilot examination, \$5; operating license, \$5; transfer, \$1.
Suspension or revocation.....	do.....	No mention.....	Pilot license may be suspended or revoked on hearing.	For sufficient cause.
Traffic rules.....	do.....	Board may prescribe.....	No mention.....	No mention.
Acrobatics.....	Prohibited over thickly settled areas or assemblies.	Prohibited over populated areas.....	do.....	Prohibited over thickly settled areas or assemblies.
Normal altitude.....	Flying unlawful at such low altitudes as to endanger or interfere with existing use.	Minimum over cities, 1,000 feet; over thickly populated premises 250 feet, except in fog or forced landing.	do.....	At least 2,000 feet over thickly settled areas or assemblies.
Nonresidents.....	No mention.....	Private operation only exempt 15 days, conditional on compliance with home State, foreign, or Federal registration and license laws.	do.....	Exempt 30 days if plane registered and pilot licensed, home State or Federal. If no home State law, commissioner may waive provisions. Exhibitions or flights for hire require compliance. Arrivals to be reported in 48 hours.
Exemptions.....	do.....	Pilots and aircraft of U. S. Government.	Aircraft of U. S. Government and sovereign States and countries.	Pilots and aircraft of U. S. Government.
Violations.....	Penalty varies. The uniform State law also includes penalty for hunting with aircraft. ³	\$25-\$100.....	\$20-\$500.....	Not more than \$100 or six months, or both.
Relation to Federal law.....	Law construed to harmonize with Federal laws.	Provisions of the act may be waived by board if conditions of Federal regulations are met.	Regulations which may be promulgated by the commission to be in harmony with air commerce act.	No mention.
Miscellaneous.....		Board empowered to regulate all navigation, inspection, and examination of pilots and craft, regulate traffic, and field markings. (Act 17, approved Feb. 16, 1927.)	Commission to generally foster air commerce, provide regulations, encourage airports, airways, record accidents; National Guard may set aside fields for air commerce and fix rentals. (H. B. 79, approved May 5, 1927.)	Commissioner may make, alter, or repeal all regulations. Pilot and employer liable for damage due to negligence. Other provisions include reporting of damages; inspection of airports, tampering with aircraft, airports, or airways, reports of accidents, etc. (Approved May 10, 1927, ch. 324.)

	Kansas	Kentucky	Louisiana	Maine
Authority.....	Aircraft board, 3 members.....	Air board, 5 members.....	No mention.....	Secretary of state.
Aircraft registration and inspection.	Annual, on inspection.....	No mention.....	do.....	Annual, on inspection.
Transfer.....	Vendor notifies board, vendee requests transfer.	do.....	do.....	Registration expires and vendor notifies secretary of state.
Pilot license.....	Annual, on examination.....	do.....	do.....	Annual, on examination.
Students.....	No license until solo stage.....	do.....	do.....	No license; must be accompanied by licensed or military pilot.
Fees.....	Registration and inspection, \$15; other inspection, \$2.50; pilot license, \$10; manufacturer and dealer license, \$20 for 3 aircraft and \$1 each for additional; transfer, \$1.	do.....	Bond in sum of \$15,000 for 1 airplane and \$1,000 for each additional airplane to cover injuries to persons or property required in carrying passengers for hire.	Registration, \$5; inspection, \$5; pilot examination, not over \$25; operating license, \$2; passenger-carrying permit, \$1.
Suspension or revocation.....	No mention.....	do.....	No mention.....	On hearing for sufficient cause.
Traffic rules.....	Board may prescribe.....	do.....	do.....	Provided.
Acrobatics.....	Prohibited over thickly settled areas.	do.....	do.....	Prohibited over thickly settled areas or assemblies.
Normal altitude.....	Minimum over cities, 1,000 feet, or anywhere under 250 feet, fog and forced landings excepted.	do.....	do.....	Minimum altitude 1,000 feet in city limits.
Nonresidents.....	Exempt 30 days if plane registered and pilot licensed in home State; flight for hire requires compliance.	do.....	do.....	Private pilots exempt 15 days if licensed in home State; commercial pilots and passenger aircraft must comply.
Exemptions.....	Pilots and craft of U. S. Government.	do.....	do.....	Pilots and planes holding Federal authority.
Violations.....	\$25-\$500.....	do.....	Maximum of \$1,000 or 6 months, or both.	\$10-\$100 or 1-6 months, or both.
Relation to Federal law.....	No mention.....	do.....	No mention.....	Permit necessary to carry passengers for hire. Pilots must maintain log. (Laws of 1923, ch. 220; as amended, 1925, ch. 185.)
Miscellaneous.....	Board authorized to regulate and control air navigation, including markings for airports. (Ch. 264, approved Mar. 1, 1921.)	Board may acquire land and equipment and provide airports and airways. (Approved Mar. 3, 1926.)	Act mentions only operators carrying passengers for hire. (Act 52, approved June 26, 1926.)	

	Massachusetts	Michigan	Minnesota	New Jersey
Authority.....	Registrar and advisory board of at least 3 members.	No mention.....	Adjutant general.....	No mention.
Aircraft registration and inspection.	Annual on inspection.....	Aircraft must comply with Federal regulations.	Semiannually on inspection.....	Must comply with Federal regulations and have Federal license if operating commercially.
Transfer.....	No mention.....	No mention.....	No mention.....	No mention.
Pilot license.....	Annual on examination.....	Pilots carrying passengers for hire must have Federal license.	On examination.....	Pilots operating commercially must have Federal license.

¹ Delaware—Maximum \$500 or 1 year, or both. Idaho—Maximum \$100 or 6 months, or both. Maryland—Maximum \$1,000 or 6 months, or both. Nevada—Maximum \$500 or 6 months, or both. North Dakota—Maximum \$500 or 1 year, or both. South Dakota—Maximum \$1,000 or 6 months, or both. Tennessee—Maximum \$500 or 1 year, or both. Utah—Maximum \$300 or 6 months, or both. Vermont—Maximum \$100 or 1 year, or both.

² "Registration" as used herein means official entry or record of aircraft, whether licensed or merely identified.

³ Law covers all aircraft, however, whether lighter or heavier than air.

	Massachusetts	Michigan	Minnesota	New Jersey
Students.....	No license; must be accompanied by licensed pilot unless over approved field.		No mention.....	No mention.
Fees.....	Pilot license, \$5; examination, \$5; plane registration, \$15.	No mention.....	Registration, \$10; renewal, \$2; pilot license, \$10.	Do.
Suspension or revocation.....	On hearing, for cause.	do.....	For cause.....	Do.
Traffic rules.....	Registrar may provide.	do.....	No mention.....	Do.
Acrobatics.....	Prohibited over thickly settled areas and in commercial passenger carrying. Wing walking, transfer, etc., prohibited.	do.....	Prohibited over thickly settled areas or assemblies.	Do.
Normal altitude.....	Minimum, 3,000 feet over thickly settled areas; 1,000 feet over assemblies; 500 feet over any building or person.	1,500 feet over assemblies except at flying fields.	Such as to enable glide to landing ⁴ .	Do.
Nonresidents.....	Private pilots and planes or commercial pilots and planes in interstate traffic which have complied with home or Federal laws exempt; all others must comply.	do.....	No mention.....	Do.
Exemptions.....	Pilots and craft of the State or U. S. Government, or licensed pilots and registered planes under Federal authority; experimental craft.	1,500 feet over assemblies except at flying fields.	Pilots and aircraft of the State or U. S. Government.	No mention.
Violations.....	\$10-\$500 or 1-6 months, or both.	\$10-\$100 or 90 days, or both.	Violation is misdemeanor.....	Violation is misdemeanor.
Relation to Federal law.....	None except as above.	As above.	No mention.	As above.
Miscellaneous.....	Other requirements are set as to landing in public parks, establishment of landing places, reporting damage to planes, limitation of load, etc. (Acts of 1922, 534, secs. 35-40; acts of 1925, 189, secs. 41-59.)	These regulatory provisions are in addition to the provisions of the uniform State act. House enrolled act 127, Public Act 138, approved May 11, 1927.	The adjutant general is charged with promulgation of regulations; these were published as G. O. 18, Sept. 1, 1927. (Approved Apr. 25, 1925, ch. 406.) ⁴	Ch. 63, New Jersey laws of 1928. Effective Mar. 19, 1928. Same as stated on New York.

	New York	Oregon	Pennsylvania
Authority.....	No mention.....	Secretary of state.....	Secretary of internal affairs, advised by State aeronautics commission, 7 members. On inspection.
Aircraft registration and inspection.....	Must comply with Federal regulations and have Federal license if operating commercially.	Annual, on inspection.....	
Transfer.....	No mention.....	Vendee notifies secretary of state.....	No mention.
Pilot license and examination.....	Pilots operating commercially must have Federal license.	No mention.....	On examination.
Students.....	No mention.....	do.....	Regulations provide for.
Fees.....	do.....	Registration fee, \$10; transfer fee, \$1.	No mention.
Suspension or revocation.....	do.....	No mention.....	On hearing.
Traffic rules.....	do.....	do.....	Covered by regulations promulgated by Department of Internal Affairs under authority of act.
Acrobatics.....	do.....	do.....	Do.
Normal altitude.....	do.....	do.....	Do.
Nonresidents.....	do.....	do.....	Do.
Exemptions.....	do.....	do.....	Airmen and aircraft of U. S. Government, of Pennsylvania State, or those Federally licensed.
Violations.....	Not more than \$100 or 90 days or both.	\$10-\$100.....	\$10-\$100 or not more than 30 days.
Relation to Federal Law.....	As above.	No mention.....	Regulations not to be inconsistent with Federal laws and regulations.
Miscellaneous.....	Ch. 233, Mar. 5, 1928. Effective July 1, 1928. Requires Federal licenses for pilots and aircraft engaged in operation which would require such license if operation was interstate.	Approved Feb. 11, 1921, ch. 49; amended Feb. 23, 1923, ch. 186.	Department of internal affairs authorized to adopt regulations for registration and licensing of aircraft, airmen licensing, and regulation of airports except those of U. S. Government. (Acts of Assembly No. 164, Apr. 13, 1927; No. 250, Apr. 26, 1927.)

	Virginia	Wisconsin	Wyoming
Authority.....	State Corporation Commission.....	No mention.....	Secretary of state.
Aircraft registration and inspection.....	State or Federal license (State license under rules promulgated by commission).	do.....	Registration on presentation, Federal license only. ⁵
Transfer.....	No mention.....	do.....	No mention.
Pilot license.....	State or Federal license (State license under rules promulgated by commission).	do.....	On presentation of Federal license only. ⁵
Students.....	No mention.....	do.....	No mention.
Fees.....	do.....	do.....	Do.
Suspension or revocation.....	May under rules promulgated by commission.	do.....	Pilot and plane, on conviction for violation.
Traffic rules.....	No mention.....	do.....	Traffic rules, navigation obstruction lights, signals, etc., provided.
Acrobatics.....	do.....	Prohibited over thickly settled areas or assemblies.	Prohibited over thickly settled areas or assemblies, or with passengers, or over an airport, or within 1,000 feet horizontally, or under 2,000 feet above an airway, or by plane carrying passengers for hire.
Normal altitude.....	do.....	No flying at such low altitudes as to endanger persons below.	Minimum altitude over thickly populated areas or assemblies, 1,000 feet; elsewhere, 500 feet.
Nonresidents.....	do.....	No mention.....	No mention.
Exemptions.....	Aircraft of U. S. Government and State of Virginia.	do.....	Do.
Violations.....	Not more than \$100 or one month, or both.	\$10-\$100 first offense; \$100-\$500 or 6 months, or both.	\$50-\$500 or 30 days to 1 year, or both.
Relation to Federal law.....	State license not required if federally licensed.	No mention.	
Miscellaneous.....	Effective date. Act also prohibits establishment, maintenance, or operation of airport or landing field without permit from commission. Fine not less than \$100 or more than \$500 for each day operated.	Approved Apr. 2, 1925, ch. 35.	Act also authorizes governor to set apart air space and municipalities to acquire property and conduct airports. (Approved Feb. 26, 1927, ch. 72.)

⁴ Law of 1921 set 2,000 feet over cities, with fine not over \$100 or 60 days, or both. This law not repealed by 1925 act.

⁵ Wyoming registration not necessary in case of transit over the State.

REGULATORY POWERS—AIR COMMERCE ACT

SEC. 3. Regulatory powers. The Secretary of Commerce shall by regulation—

(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than 8 months after the passage of this act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, rerate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

(d) Provide for the examination and rating of air-navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

(e) Establish air-traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

(f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary, upon receipt of the request, shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpoenas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

SUGGESTED UNIFORM CITY ORDINANCE

An ordinance to require the licensing of aircraft and pilots operating over the city of ———.

SECTION 1. Be it ordained by the common council of the city of ———, that on and after the first day of ———, 192—, only aircraft and pilots licensed by the United States Department of Commerce shall be permitted to operate in or over the city of ———: *Provided, however,* That this restriction shall not apply to public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof.

SEC. 2. Any person violating the provisions of this ordinance shall upon conviction be found guilty of a misdemeanor and subject to a fine of not more than ——— dollars or imprisonment for not more than ——— days, or both such fine and imprisonment.

COOK COUNTY, ILL.

The following resolutions were passed in 1927 by the board of county commissioners of Cook County, Ill., to bring all local activities within the scope of the regulations of the Department of Commerce:

"*Be it resolved,* That the board of county commissioners hereby prohibits the flying of aircraft within the corporate limits of the county of Cook, excepting such aircraft as has been inspected and licensed by the Department of Commerce of the United States and when operated by pilots possessing licenses issued by the Department of Commerce of the United States; and

"*Be it further resolved,* That no pilot of aircraft be permitted to operate aircraft within the corporate limits of the county of Cook, excepting those who are in possession of licenses issued by the Department of Commerce of the United States."

Similar ordinances have also been passed by other municipalities.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate, as in open executive session, take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess in open executive session until to-morrow, Thursday, January 10, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 9 (legislative day of January 7), 1929

COMMISSIONER OF IMMIGRATION

Norval P. Nichols, of Porto Rico, commissioner of immigration at the port of San Juan, P. R.

COAST GUARD OF THE UNITED STATES

Commander (Engineering) Christopher G. Porcher to be a captain (engineering) in place of Capt. (Engineering) John E. Dorry, retired, to rank as such from September 26, 1928.

Lieut. Commander (Engineering) Frederick H. Young to be a commander (engineering) in place of Commander (Engineering) Christopher G. Porcher, promoted, to rank as such from September 26, 1928.

The above-named officers have passed the examinations required for the promotions for which they are recommended.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Edward A. Greene to be a colonel in the Marine Corps from the 2d day of January, 1929.

Maj. Franklin B. Garrett to be a lieutenant colonel in the Marine Corps from the 22d day of December, 1928.

Maj. Samuel W. Bogan to be a lieutenant colonel in the Marine Corps from the 2d day of January, 1929.

Capt. DeWitt Peck to be a major in the Marine Corps from the 2d day of January, 1929.

First Lieut. Merton A. Richal to be a captain in the Marine Corps from the 19th day of May, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 9 (legislative day of January 7), 1929

POSTMASTERS

CALIFORNIA

Gladys B. Evans, Knights Landing.

Mamie L. Royce, Pittsburg.

Clement J. Nash, San Mateo.

COLORADO

Valcie V. Vining, Wray.

GEORGIA

George E. Youmans, Adrian.

John H. Boone, Hazlehurst.

William H. Blitch, Statesboro.

INDIANA

David E. Conrad, Lapel.

IOWA

Gay S. Thomas, Audubon.

Samuel A. Garlow, Avoca.

Homer C. Thompson, Bayard.

William W. Gundrum, Casey.

KENTUCKY

Edmund T. Davern, Kenvir.
Everett E. Davis, Louellen.
E. Paul Counts, Olive Hill.

MARYLAND

William G. Smyth, Chestertown.
Louis J. DeAlba, Glenburnie.
Robert G. Merryman, Monkton.

MISSOURI

Clara Harlin, Gainesville.
Charles W. Lowry, Normandy.

NEBRASKA

Laurence N. Merwin, Beaver City.
Clarrissa Bilyeu, Big Spring.
Marcus H. Carman, Cook.
Joe G. Crews, Culbertson.
Charles H. Fueston, Dakota City.
William C. Coupland, Elgin.
Lucy L. Mendenhall, Elk Creek.
Charles E. Cook, Franklin.
James J. Green, Moorefield.
Herbert L. Wichman, Norfolk.
George A. Ayer, Oxford.
Olaf H. Larson, Shickley.
Lulu C. Brown, Stockville.
Franz J. Riesland, Wood River.

NEW YORK

John A. Crager, Hagaman.
Hazel I. VanNamee, Richville.

OHIO

Calvin M. Crabtree, jr., Convoy.
Charles F. Shoemaker, Pickerington.
Clarence S. Frazer, Xenia.

OREGON

Earl B. Watt, Falls City.
Jay W. Moore, Harrisburg.
William R. Anderson, Milton.
Clarence C. Presley, Newport.

PENNSYLVANIA

Anna R. Parker, Kulpmont.
David L. Bly, Watsonstown.

WASHINGTON

Albert Maurer, Kelso.
Pearl B. Burrill, Snoqualmie Falls.

WISCONSIN

Alfred H. Krog, Darlington.
George L. Harrington, Elkhorn.

HOUSE OF REPRESENTATIVES

WEDNESDAY, January 9, 1929

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. TILSON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father in Heaven, for the enfolding ministries of Thy providence. We praise Thee that through repentance and divine love we have access to the Father, who pardons and restores all who are of a humble heart. Restrain the discordant notes of unrest and defiance to law and authority. Subdue the unwise critics of the Republic, and in every way help us to preserve our national inheritance and traditions, which have made us respected and honored throughout the world. Bring into bonds of unity all our citizens, and let them enjoy a righteous freedom from every form of repression and oppression. Give the blessings of courage, confidence, and good cheer to all sick and sorry hearts. Bless us this day, and may we not fear to-morrow. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House on Friday, after the reading of the Journal and the disposition of matters on the Speaker's table, for 30

minutes on some phases of the activities of the Treasury Department.

Mr. CLARKE. Reserving the right to object, what is to be the subject of the address?

Mr. CELLER. The subject of the address will be certain activities of the Treasury Department, particularly as they refer to treaties concerning liquor.

Mr. SNELL. Mr. Speaker, reserving the right to object, while I do not know of any objection, I would not want this to get in ahead of the completion of the Army bill. If the Army bill is completed at that time, I would have no objection.

Mr. CELLER. I have not often made requests of this sort and I would appreciate having this one granted.

Mr. SNELL. If the gentleman will modify his request and ask the permission following the completion of the Army bill on Friday—

Mr. CELLER. I understood we were to have the Army bill under consideration on Saturday also.

Mr. SNELL. We hope to complete its consideration by Friday. If the gentleman will modify his request and ask for the time after the completion of the Army bill on Friday, I shall not object.

Mr. CELLER. I agree to that. The request is changed, Mr. Speaker, at the suggestion of the gentleman from New York, and I ask for this time after the completion of the Army appropriation bill.

The SPEAKER pro tempore. Is there objection to the modified request of the gentleman from New York?

There was no objection.

IMPROVEMENT OF THE GREAT KANAWHA RIVER

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and Members of the House, a river and harbor improvement bill is now pending on the House Calendar. This bill was favorably recommended by the Committee on Rivers and Harbors at the first session of the Seventieth Congress. Both of our great political parties are pledged to river and harbor improvement. This pledge should be kept and the improvement rushed to completion as rapidly as is consistent with economy. Any delay in this highly important legislation is wholly unjustified. Millions of dollars have been expended in the improvement of the Mississippi and Ohio Rivers. The improvement of the Ohio River is practically complete. An increase in tonnage is needed for shipment over these two great waterways in order to justify the large sums of money expended in these improvements.

The improvement of the Great Kanawha River which flows through the district I have the honor to represent will furnish more tonnage than any other river which empties into either the Mississippi or Ohio Rivers.

The Great Kanawha Valley and surrounding territory has the greatest deposit of smokeless coal in the world, all of which may be shipped over the Great Kanawha River as soon as the river is improved so as to afford adequate transportation facilities.

I assert without fear of contradiction that the Great Kanawha River affords the greatest possibilities in the shipment of tonnage than any river in the country. In addition to the unlimited quantity of coal, estimated by competent engineers to be 18,000,000,000 tons within sufficient proximity to be marketed by shipment on the Great Kanawha River, there are numerous factories in this great industrial center. Clay, brick, iron, steel, chemicals, glass, bottles; in fact, everything nearly that can be manufactured is manufactured in this valley. The coal business is as near on the rocks of ruin as any other industry in existence. Relief should be had before it is too late. The improvement of the Great Kanawha River will perhaps afford greater relief to our coal business than anything else which might be done.

Numerous civic organizations and coal operators' associations have sent me messages urging the immediate passage of the river improvement bill.

These organizations are: St. Albans Business Men's Association, the Rotary Club of Montgomery, the Beckley Chamber of Commerce, the Beckley Kiwanis Club, the Beckley Rotary Club, the Winding Gulf Coal Operators Association, the Charleston Chamber of Commerce, the Great Kanawha Valley Improvement Association, Oak Hill Chamber of Commerce, and the Montgomery Chamber of Commerce.

Permit me to say that the improvement of the Great Kanawha River, in proportion to the amount necessary to expend

for proper transportation purposes, means more in the development and prosperity of the country than any other river within its borders.

Let us do our duty and pass this bill during this session of Congress, and thereby afford the coal business, farmers, and other industries relief without any further delay.

Mr. McDUFFIE. Will the gentleman yield?

Mr. ENGLAND. Yes.

Mr. McDUFFIE. Does the gentleman know the attitude of the leadership on his side of the aisle as to the passage of this bill?

Mr. ENGLAND. I do not. At the present time I do not know that there is any specially defined attitude. So far as I know, there is none.

Mr. McDUFFIE. Does not the gentleman realize that unless we do something in this Congress it will probably be more than 12 months before we can consider river and harbor legislation?

Mr. ENGLAND. That is exactly the reason I am urging immediate action at this particular time.

Mr. McDUFFIE. Has the gentleman any hope that the leadership on the majority side will help us to get this bill up and pass it?

Mr. ENGLAND. I certainly hope they will. I do not know that the leadership has any views as to what action may be taken or what they are going to do.

Mr. McDUFFIE. It rests absolutely with them. All they have got to do is to say so, and the matter will be taken up.

Mr. ENGLAND. I do not know as to that.

Mr. KNUTSON. In fairness to the gentleman, if the gentleman has any information as to the attitude of the leaders on this side, I think he should give it to the House so that we may know what it is. I have not heard any expression myself.

Mr. ENGLAND. I have heard no expression as to the purpose or decision of the leadership.

Mr. McDUFFIE. That is exactly what is troubling us now—we have heard no such expression, and we want some expression from them.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. ENGLAND. Yes.

Mr. HOWARD of Oklahoma. The gentleman asked consent to put in his remarks an editorial of a certain publication. How long is that?

Mr. ENGLAND. It is not very long.

Mr. HOWARD of Oklahoma. I want to inquire why the gentleman from Massachusetts, who has become head waiter and sanitary inspector for this House recently, does not object to your requests, when he turns on the Democrats in the House?

Mr. UNDERHILL. The gentleman has not given me a chance yet.

Mr. HOWARD of Oklahoma. And the gentleman was not going to, either.

Mr. UNDERHILL. He was, too.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ENGLAND. It is well known what the coal industry means to our national life and prosperity to the entire country. This being an indisputed fact, Congress should act promptly in the passage of legislation to revive this industry, which is now practically prostrate.

The speedy improvement of the Great Kanawha River is one means of affording a measure of relief to the coal business in our section, and for that reason, among many others, legislation for the improvement of river transportation facilities should not be delayed. Such improvements will afford cheaper transportation and broader markets for our coal products. [Applause.]

REUNION OF THE BLUE AND THE GRAY

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for five minutes now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

Mr. CLARKE. Reserving the right to object, is this in order or out of order?

Mr. HOWARD of Nebraska. I do not know. [Laughter.]

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask that the Clerk read in my time the following bill which I have introduced.

The Clerk read as follows:

[H. R. 14461, 70th Cong., 1st sess.]

A bill (H. R. 14461) to provide for a joint reunion of the surviving veterans of both sides of the war of 1861 to 1865, in the city of Washington, in the year 1929; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of the act

Be it enacted, etc., That it is deemed appropriate that a joint reunion of both sides of the few surviving veterans of the war of 1861 to 1865 be held in the city of Washington in the year 1929, in order that opportunity be given to the American people to express their affection for said veterans; and that the expenses of such joint reunion be borne by the United States Government.

Sec. 2. That for the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated out of moneys in the United States Treasury a sum or sums of money sufficient to pay all expenses of said joint reunion.

Sec. 3. That for the further purpose of carrying into effect the objects of this act and arranging for said joint reunion there is hereby created a commission, to consist of the following persons, to wit: The General of the United States Army, the commander of the Spanish-American War Veterans, the commander of American Legion, the commander of Veterans of Foreign Wars, and such other persons as the President of the United States may appoint.

Sec. 4. Full power is hereby granted to said commission to arrange for and carry into effect said joint reunion.

Mr. HOWARD of Nebraska. Mr. Speaker, I have asked and graciously received permission to speak for five minutes for the sole purpose of calling the attention of the House to this Christian good-will offering providing for a joint reunion of the survivors of the armies of the blue and the gray in Washington during the present year.

When I first presented the bill it provided that the commission should be composed of the General of the United States Army, governors of the several States, and such other persons as the President of the United States might be pleased to appoint. I have thought now that it would be better to have the commission composed of the General of the United States Army, the commanding officers of the Spanish War Veterans, the American Legion, and the Veterans of Foreign Wars, having the thought in mind that it would be beautiful if these men of the younger organizations could stand in a sense as hosts of the veterans of the great Civil War.

Now, Mr. Speaker and gentlemen, my particular purpose is to remind Members of the House that to-morrow morning the hearing on this bill will be held before the House Committee on the Judiciary, and I would like to ask those who are in accord with the Christian good-will spirit of this bill to appear before the committee and plead for favorable action.

A few mornings ago the House was honored by the presence of the commander in chief of the Grand Army of the Republic, who sat in the gallery, and this House did pay honor to his presence. He was in Washington for the express purpose of pleading for the passage of this legislation. He was called to another State yesterday and may not get back in time for the hearing, but his heart and soul are in favor of it, and I earnestly hope that all of those Members of the House—and particularly all you who are ex-service men—who favor this movement in behalf of brushing away the last vestige of bitterness between two sections of our country once at war but now fully united may appear before the committee and ask for early action on the bill.

Mr. DYER. Will the gentleman yield?

Mr. HOWARD of Nebraska. I will.

Mr. DYER. Has the gentleman inquired of the veterans of the gray whether they are in accord with the proposed reunion?

Mr. HOWARD of Nebraska. I will say that I have received some 4,000 letters from survivors of the two armies. Out of all these I have received but four antagonistic to the movement. One of them came from Maine, 1 from Massachusetts, 1 from Maryland, and 1 from Virginia. Two of the objectors said that they did not want to march down Pennsylvania Avenue with the "damned Yankees." [Laughter.] The other two said they did not want to march with the "damned rebels." All the other 4,000 applauded the purpose of the bill. [Applause.]

MICHIGAN CRIMINAL CODE

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, the Criminal Code of Michigan has raised a great deal of talk in the last two weeks throughout the Nation because of the celebrated case against Etta Miller. I would like to have read in my time an editorial from the Detroit Free Press, of January 8, which I send to the desk.

The Clerk read as follows:

[From the Detroit Free Press, Tuesday, January 8, 1929]

NEEDLESS TEARS

There seems to be no end to the tears the professional sob squadders feel they must shed over Mrs. Etta Miller, now serving a life term in the Detroit House of Correction because she insisted upon repeatedly defying the liquor laws of the State. Actually there is no reason to weep over the woman's situation, as far as her treatment by the agencies of the law is concerned. Mrs. Miller has borne 10 children, it is true—so have many other women who have not found it necessary to run blind pigs—but only 4 of the 10 survive, and 3 of those are married and the other is being supported by the State; so the theory that she was driven to illegal practices in order to support a family rather falls by the wayside.

And although Mrs. Miller has been convicted only four times, she has been in trouble with the law a large number of times, if apparently reliable reports are accurate; and when last apprehended, she had a 12-year-old girl in her place serving drinks to customers. Mrs. Miller is a confirmed and obstinate lawbreaker. She was a menace to the community where she lived, and the thing to do was to place her where she could cause no more trouble.

Those who for propagandist reasons, which have nothing whatever to do with love of justice or the public good, are trying to make a heroine and a martyr out of an aged purveyor of rotten booze, do not worry much over the harm the woman has been doing. They are not concerned about the injury to persons she has sold her wares to. And in that connection it is pertinent to notice that some of those who mourn assiduously over the woman's troubles are persons or publications who also make a specialty of crying over the hard fate of assassins while forgetting about those they have murdered.

The Detroit Times said in a recent editorial: "Grandma Miller made the mistake of violating the eighteenth amendment in a dry community. She also made the mistake of being poor." And with this as a premise the publication proceeded to an utterance that was close to an inferential incitement to lawbreaking and meant nothing at all, if it did not mean that in the opinion of the newspaper Mrs. Miller and others like her have a perfect right to defy the statutes and practice bootlegging if they are able to get away with it, and ought not to be punished if they are caught.

We are inclined to the belief that the Michigan Criminal Code, though a most excellent legal instrument as it stands, is perhaps a little severe in dealing with fourth offenders who have done nothing except violate the liquor laws in a relatively small way, and that perhaps a term of years, something less than life, would be a sufficient punishment for chronic wrongdoers of that sort. But the hardship, if any exists, is not very great, because nobody is obliged to break the law; and the overseverity certainly is not so serious an evil as that created by reckless persons or publications who incite individuals to break the law of the land and undertake to glorify and make heroes of those who suffer penalties for doing so. An apology for crime which tends to incite crime is as real an offense against society as is the commission of crime itself.

Mr. HUDSON. Mr. Speaker, I hold in my hand the record of the Social Service Bureau of the city of Lansing, beginning with the files that are now in existence after the fire of 1920, and about every three months from 1921 on, this record shows that this family has been in police trouble for harboring immoral people, for leading immoral lives themselves, and being constantly arrested for bootlegging and intoxication, both on the part of the father and the members of the family. The woman in question has four children by her first husband, and three by the last. The stepson of the first husband has been arrested a number of times as a bootlegger and has served time. The oldest daughter lived for over a year immorally with a man that the community afterward forced her to marry. The woman has been arrested for immoral practices. The second daughter is in the industrial reform school for girls, and the last child is committed to another State institution. I shall read now into the Record this woman's record of crime.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. Not now. This is the police record of Mrs. Miller:

September 24, 1924: Illegal possession of liquor, served 60 days in the county jail at Mason.

October 10, 1924: Illegal furnishing of liquor, charge dismissed.

January 24, 1925: Illegal possession of liquor, no disposition of the case listed.

October 10, 1925: Illegal furnishing of liquor, six months to a year at the Detroit House of Correction.

March 10, 1927: Illegal furnishing of liquor, six months to a year in the house of correction.

March 19, 1927: Illegal possession of liquor. Pleaded guilty; no disposition.

May 24, 1927: Illegal furnishing of liquor. Pleaded not guilty; no disposition of case recorded.

October 4, 1928: Illegal possession of liquor.

Then in December came the conviction that culminated in the fourth felony offense for which the judge had no recourse except to send her under the criminal law of Michigan to prison for life. The Supreme Court has upheld that. My contention is that if we are going to waste our tears and sobs over somebody who has been hurt by the law, then we should take some one who is worthy of it and not a character of this kind.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. I yield back whatever time I have.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I do not for one moment attempt to defend this notorious Michigan bootlegger who has been sentenced to life imprisonment. I notice that the preceding speaker, the gentleman from Michigan [Mr. HUDSON], has read into the Record a statement of convictions and moral lapses on the part of certain members of the woman's family. It may be well if those who read his presentation and who have heard it keep in their minds that the daughter of the family who is charged with having had moral lapses may have been emulating that notorious gentleman from New York who contributed \$500,000 to the Anti-Saloon League and who, it was found, had been maintaining a love nest in the great State of New York.

EXTENSION OF REMARKS

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent that the remarks I made a few moments ago may be extended in the Record.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to extend his remarks in the Record which he made a few minutes ago. Is there objection?

Mr. UNDERHILL. I have no objection if they are his own remarks, Mr. Speaker.

Mr. HOWARD of Oklahoma. Mr. Speaker, when the gentleman from West Virginia was speaking a few moments ago I asked the question as to why an objection had not been made to his including an editorial in his remarks. The gentleman from Massachusetts said that he intended to. I want to know if he did. I do not intend to object, but I want to know whether the gentleman from Massachusetts objects.

Mr. UNDERHILL. Mr. Speaker, I am on my feet to object to extraneous matter going into the Record.

Mr. HOWARD of Oklahoma. I want to know whether the gentleman did object.

The SPEAKER pro tempore. The gentleman from West Virginia asked unanimous consent to extend his remarks in the Record and the gentleman from Massachusetts has objected to any remarks other than his own remarks.

Mr. ENGLAND. Mr. Speaker, I hope the gentleman from Massachusetts will withdraw that for this reason: The editorial referred to is not long and it deals with the effect that coal has upon our industries generally. I felt it was better expressed in this short editorial than I could express it in my own words. For that reason I would like to have it incorporated as a part of my remarks. The other matter consists of telegrams from various civil organizations down there. None of those telegrams is very long. They are regarding the improvement of this great river. For that reason I hope the gentleman will withdraw his objection.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, these are matters to which I have conscientiously and consistently objected. The gentleman has presented his case in a convincing manner, and so far as these telegrams and editorials are concerned, there is a place in the basket for them, and they will take their usual course and be entered into the Record as having been received by this House. There is no necessity of publishing them as a part of the gentleman's remarks, and I object.

The SPEAKER pro tempore. Objection is heard.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, with the permission of the House I rise to make an announcement. Several Members have asked me when we intended to call up the rules that are on the calendar. It is expected that the rule for the reappointment bill will be called up immediately after the disposition of business on the Speaker's table to-morrow, and that right after the disposition of the War Department appropriation bill, after the time allotted to the gentleman from New York [Mr. Celler], we intend to call up the bill changing the jurisdiction of the Judiciary Committee of the House and also the one that the gentleman from Iowa [Mr. Ramseyer] introduced relative to the printing of amendments to the bill.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including their traveling expenses; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the purchase or construction, not exceeding \$200,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C. p. 197, sec. 751); to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C. p. 197, sec. 752); and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, \$16,802,731, of which amount not exceeding \$2,000,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1930.

Mr. TREADWAY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TREADWAY. For the purpose of moving to strike out the last word and asking unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, for some time past there has been a great deal of interest shown in relation to contracts made for various supplies made by the different departments of the Government. There were some hearings last spring before the Committee on Interstate and Foreign Commerce on a resolution known as the Wood resolution, and as a result of those hearings I think some slight changes were made in the phraseology of the language having to do with Government contracts.

About a week ago the gentleman from Michigan [Mr. Cramton] introduced and had printed in the RECORD a lengthy bill relative to methods of Government purchases, particularly calling attention, as I read the bill, to a change in method whereby to a certain extent Government contracts were to be handled through General Lord's office, and in that way perhaps have more or less uniformity. Now, the clause of the bill of the gentleman from Michigan to which I called attention the day that he had permission to reprint the bill in the RECORD is section 16, and if I may be permitted I would like to read section 16 as amended by the proposed bill of Mr. Cramton. It reads as follows:

SEC. 16. Domestic materials: In the making of contracts to be performed in the United States, its Territories, and possessions preference shall be given to articles or materials of domestic production, conditions of quality and price, including duty, being equal. The term "articles or materials of domestic production" means articles or materials manufactured or assembled in the United States, its Territories, or possessions.

That does not change in any material way the present law. The law provides for a preference for domestic manufactured articles, other things being equal, including price and quality. On April 30 last I introduced a bill which was referred to the Committee on Interstate and Foreign Commerce, whereas the bill containing the language I have just read is before the Committee on the Judiciary. There is, therefore, some conflict of jurisdiction in that the subject is being considered by two different committees of the House. My bill goes further than either the Wood resolution or the paragraph I have read from Mr. Cramton's bill. I believe we should do more for our home industries than simply to give them an equal break with foreign production. [Applause.] I believe we should give a preference of at least 10 per cent to American and domestic production rather than simply to say in the law that, other things being equal, our officials should select American-made goods. The point as I see it is this: We are paying out the money of the American taxpayers to the American manufacturer employing American labor. As their scale of wages is greatly in excess of the wages of our competitor nations, why should not we give our home production a preference in the form of a differential? That is the purpose of the bill I have before the Interstate and Foreign Commerce Committee. Why should they not have a 10 per cent preferential over the foreign competitor for our Government contracts?

I think such an idea as this is both right and proper, because we all know how great the difference is in the cost of production here and abroad. In private business this competition must be met by our producers, but when it comes to the production of goods for Government use I maintain that the American producer is entitled to a fair differential in order to have these contracts if possible kept at home. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. I ask for five additional minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. Celler. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. Celler. Has the gentleman fixed in his mind whether 10 per cent represents the difference in cost of production between here and a foreign country? Is there any reason why you pick that percentage?

Mr. TREADWAY. No; only to give a preference to our people which is not unreasonable in competition with foreign goods.

Mr. Celler. You are not fixing in mind a difference in cost of production?

Mr. TREADWAY. No. It is an arbitrary favoritism. It is not a scientific favoritism; neither is it an exclusive favoritism. I would not advocate that. I think our people have to take a fair amount of competition, but I think they are entitled to some preference.

I have made some inquiry about this bill as to its provoking any possible retaliatory action by other countries, and I find by reference to the Department of Commerce, through Doctor Klein's bureau, that while there is no specified difference in one country or another, practically every country does something of this same nature, showing a preference to a homemade product in paying out the taxpayers' money from the national treasury; so that no one could claim, if this were done, that there would be any likelihood of retaliatory measures against our products in foreign countries. We would be simply following the example set us by other countries. In that connection, by way

of revising and extending my remarks, I would like to insert some references to other countries and a copy of the bill I have introduced.

The CHAIRMAN (Mr. TILSON). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. TREADWAY. My attention was called first to this matter a year ago by certain concerns in my district who were trying to supply the Navy Department with certain tools such as would be used ordinarily on shipboard. On examination I found that they could not get certain Government contracts in competition with the agencies in New York handling goods imported from foreign countries. Later on I found that one of the distinguished Senators from New Jersey was interested in the subject and had taken up the matter of the sale to the Navy Department of cotton waste for wiping material for wiping engines and machinery, and had found that thousands of pounds of that ordinary waste out of the cotton mills of our country were continued to be regarded as waste, whereas a contract was awarded for a German product.

A couple of years ago when our Government was providing headstones to mark the graves of our soldiers in our national cemeteries in France the War Department purchased them in Italian marble, finished in Italy. The design selected by the commission called for a minimum amount of stone and a maximum amount of work. So great is the difference in the cost of labor in Italy from its cost in this country that these stones were bought in Italian marble delivered at the site at much lower cost per stone than that for which they could be obtained in this country. Even so, it would seem fitting from reasons of sentiment alone that our soldier dead who lie in foreign soil should at least have the crosses which bear their names and mark their resting places made from stone quarried in their native land and chiseled by their fellow countrymen.

Now, every Member of this House can find upon inquiry of manufacturers in his district similar illustrations of where our people have been discriminated against, because if we say in the language of the law, "Other things being equal, he shall get the preference," still we give him practically no preference, because it is a well-known fact that in the manufacture of most articles we can not compete with foreign goods on an equal basis. So I bring this idea before the House.

I talked with the gentleman from Indiana [Mr. Wood] about his resolution. I believe I saw him here a short time ago, but I am sorry he is not here at this moment. He agrees with me that his resolution only makes a little more definite the actual equality between various bidders, competitive bidders, foreign and domestic, and he feels that the discrimination that I seek to establish in behalf of our products is much better than the idea that he suggested.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. The Wood resolution simply undertakes to reiterate the policy heretofore expressed by Congress—that is, that American goods should have the preference over foreign goods whenever conditions of price, quality, and so forth, are equal. My bill would go further and give the American producer a 10 per cent advantage over his foreign competitor.

It has long been felt by those interested that the American manufacturer and producer was not receiving the advantage in Government contracts which Congress intended he should have. In making awards Government purchasing agents have been confronted with two sets of statutory requirements, one holding that, conditions being equal, the American should have the preference over the foreigner, the other holding that awards should be made to the lowest responsible bidder. If the purchasing agent failed to adhere strictly to the first requirement, the only comeback on him would be the protest of the unsuccessful American bidder. On the other hand, if the purchasing agent violated the restriction concerning the lowest responsible bidder by so much as a penny in favoring an American manufacturer over a foreign manufacturer, his accounts were suspended by the accounting officials of the Government. It is therefore easy to see where a purchasing agent, in a case where American and foreign bids were substantially equal, might be inclined to resolve the doubt in favor of the foreigner if he felt there was the slightest question of doubt about the American bid being absolutely as low as that of the foreigner.

My bill, if enacted into law, would entirely relieve this condition. It is needless to say that the measure will have the hearty support of all American manufacturers and producers who compete for Government business.

As the proposed measure will constitute a radical change in the existing practices and procedure in Government departments, it is expected there will be some opposition from Gov-

ernment officials. Whether this opposition will be sufficient to offset the indorsement of American producers and manufacturers remains to be seen.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, April 30, 1928.

HON. ALLEN T. TREADWAY,

House of Representatives, Washington, D. C.

Foreign governmental practices re local purchase of Government supplies.

MY DEAR CONGRESSMAN: In accordance with your request, I am happy to send you herewith a collection of material available in the bureau on the practices of foreign governments in giving preference for local purchase of government supplies.

I believe this will be just what you need. You will note that there is no uniform policy followed by any great number of different countries, but that the system varies from fixed percentages of preference as provided for in New South Wales, Australia, or other specific regulations covering the preference to be granted as with the automotive industry in Spain, to a general tendency to favor domestic production, as indicated under Germany.

If you think we can supplement this information in regard to any specific points on which you might need further data, or if at any time we can be of assistance to you in any other way, I hope you will feel free to call on us.

Sincerely yours,

JULIUS KLEIN, Director.

COLLECTION OF MATERIAL ON GOVERNMENTAL PRACTICES IN FOREIGN COUNTRIES RE LOCAL PURCHASE OF SUPPLIES

CANADA

The Canadian Government is at present actively cooperating in the British Empire shopping week being held in Canada, which sponsors considerable propaganda in favor of the preferential treatment of British goods. The preference policy, however, had relatively hard sledding in Canada because of the industrial ambitions of the various Provinces of the Dominion and the participation of American capital in the development of the country. Of course, there is a very strong sentiment in favor of the use of local materials, and where the price differential is not particularly great contracts are undoubtedly awarded on this basis. American firms in Canada have repeatedly stated to our representatives and others that where price is not a material consideration they prefer to award orders locally because of the favorable influence on their operations. In the legislation before Parliament at the present time regarding the permission to build the Port Huron Sarnia bridge, an unsuccessful attempt was made to insert wording which would establish a definite required percentage of material contracts to be placed with Canadian firms. On the other hand, the summer of last year, Canadian firms made a strong effort to obtain the contracts for the five steamships ordered by the Government for the West Indies service, the contract approximating \$10,000,000. They were underbid by Cammell Laird to the extent of some 50 per cent, the government taking refuge in the statement that the contract was awarded to a British firm by reason of the fact that the Canadian bids were not considered competitive but that the business was, nevertheless, thus kept within the Empire.

GREAT BRITAIN

We have no concrete examples with which to demonstrate British voluntary preference to domestic production, although British purchasing agencies quite generally favor the assumption that preference is always given to local production when the goods of domestic producers are at all competitive with similar foreign products. Discussion on the situation ordinarily is only brought about when a British buying agency purchases foreign material, such agency then finding it necessary to defend the course taken.

Three examples are quoted:

1. In or around April, 1927, the Southern Railway Co. of Great Britain placed a \$600,000 order for rotary converters with a Swedish electrical firm. The railway issued an official statement in justification of its action on the grounds that the British electrical manufacturers held such a strict control of prices and conditions of supplying equipment that the railway company felt that it was being subjected to dictation in regard to the terms of purchase. The railway stated that the price quoted by the Swedish firm was lower than that quoted by British manufacturers, but that this was not the principal reason for placing the order abroad as their chief object in doing so was to avoid being dictated to by the alleged British electrical manufacturers' combine.

2. Early in 1928 the Stockport town council decided (according to an open letter to the press) to place an order for electrical generating plant in Switzerland. The difference between the British and Swiss prices in connection with the Stockport contract was said to be about \$85,000 out of a total of about \$257,000, a difference of 33 per cent, and apparently sufficient in the opinion of the Stockport town council to justify purchasing the material from the Swiss.

3. Early in March, 1928, there was considerable discussion in the Sheffield press over the action of a committee of the city council of the

Sheffield (city) corporation in passing a recommendation that a well-known American typewriter be considered the standard typewriter when new machines are acquired by the corporation. British typewriter manufacturers strongly protested that they had not been asked to submit bids for supplying recent requirements of the Sheffield corporation; they insist upon this stand notwithstanding the statement of one of the councilmen to the effect that all first-class makers of typewriters were invited to send in estimates and that the terms offered by the American firm represented a savings of slightly more than \$29 in the case of each machine. Following the councilman's statement one of the British makers supplied the press with a lengthy statement reaffirming the contention that his company had not been approached in the matter.

A statement appeared in the London Times of February 9, 1927, to the effect that British shipbuilding firms had secured contracts aggregating nearly \$5,000,000 in the face of strong competition from continental shipbuilders, and there have been some general statements to the effect that the British shipbuilding industry has been favored by British shipping companies partly, at least, because of the yards' great need for work.

It is reasonable to assume that some benefit must naturally accrue to British producers because of the advertising activities of the Empire Marketing Board and similar propaganda carried on by governmental and private organizations.

FRANCE

There is no central purchasing organization for supplies required by the various ministries of the French Government. Each ministry secures its supplies either by direct orders placed with local firms, except in rare instances, or by making public a call for bids. There is no hard and fast rule barring foreigners from participating in Government contracts for supplies. Notwithstanding the latitude offered to foreign firms in bidding on government contracts, the placing of orders with such firms is very uncommon in France. Officials state that this is due to the fact that bids tendered by local firms are more attractive and add that no discrimination is shown.

BELGIUM

Purchases by the government departments in Belgium are governed by a law of May 15, 1846, and a royal decree of December 10, 1868. All contracts for government supplies are competitive and public with certain exceptions, including, primarily, supplies of small value, operations which must be held secret, merchandise manufactured under exclusive patent, works of art which can be entrusted only to artists or specialized workmen, and goods urgently needed. Except in cases of urgency, calls for bids are made 15 days in advance, and are advertised in the Bulletin des Adjudications.

Bids on Belgian Government contracts are made by Belgians and foreigners on equal terms, and in some cases preference is even given to foreign firms because of well-established reputation for quality. The tendency to award contracts to the lowest bidder, regardless of nationality, has even caused some dissatisfaction on the part of Belgian firms, notably when orders have been placed in ex-enemy countries. Few requirements are made of foreign firms wishing to enter bids for government contracts. Residence in the country must be established by the bidding firm or by a person representing the firm, with power of attorney drawn up in a form prescribed by the ministry. Another requirement of firms entering bids is to have a postal checking account in Belgium. These requirements form no obstacle to foreign firms, but the question of time is a serious handicap to American firms. The time required for filing bids renders it impossible for American firms not represented in Belgium to make bids within the time limit allowed, and even when an American firm is represented it is often impossible to meet the time requirement if the nature of the material or work calls for blue prints or long technical details which can not be satisfactorily cabled.

THE NETHERLANDS

Contracts for all supplies for the Netherlands Government are not centered in one bureau. There is, however, a Government purchasing bureau at The Hague which buys supplies destined for interdepartmental use, including such things as stationery, office supplies, fuel, etc. Bids are not announced or advertised, but several reputable firms are invited to bid. Very little purchasing is done abroad. The director of the purchasing bureau may accept any bid, regardless of price or terms. In addition to the Government purchasing bureau, there is the Government building service which has charge of the purchasing, hiring, construction, and upkeep of all Government buildings.

Only those corporations or individuals having a domicile in the Netherlands (or abroad) are admitted as suppliers and in regard to whose ability to carry out the contract the minister entertains no doubt. The minister may award a contract without having to accept the lowest bid and without stating his reasons for doing so. At the same time, he may also throw out all bids if such procedure seems desirable. Domestic suppliers are given preference up to a percentage of 10 to 15 per cent in connection with bids, although this margin is not always strictly adhered to. As a security for performance, the successful bidder is

often required to name two guarantors who will each be held responsible for the carrying out of the contract and who have to affix their signatures to the bid in question. The guarantors must be persons residing within the kingdom.

SPAIN

There is a law of February 14, 1907, which lists those foreign products which may be purchased abroad for Government contracts. In a decree of July 27, 1926, it is required that among the products which that list outlines only those which can not be procured from local industries may be purchased abroad. The reasons for such foreign purchases can be: (1) Quantity not available; (2) quality not available; or (3) can not be produced within required period of time.

Enterprises dedicated to public transportation of persons and merchandise, entities having contracts with the State, Provinces, or municipalities, and the various branches of the Government requiring automobiles, trucks, tractors, steam rollers, tanks, etc., must communicate with the Comisión Oficial del Motor y del Automóvil (Official Commission of the Motor and Automobile) regarding such purchases.

In case of competitive bids, Spanish products will be given preference when the price does not exceed the foreign bid by more than 10 per cent or in some cases 5 per cent.

Three general classes of automobile manufacturers are established: (a) Manufacturers of automobiles or those manufacturing all classes of the mechanical elements entering into motor vehicles; (b) manufacturers of bodies; (c) manufacturers of auxiliary elements and accessories. Manufacturers are considered in the first category and entitled to the highest degree of preference when they manufacture or use 75 per cent of Spanish-made elements entering into their product. In considering a motor vehicle the following elements are given the percentage noted below:

	Per cent
Motor	29
Transmission	3
Differential and rear axle	13
Axles	6
Steering gear and brakes	5
Control	2
Feed, suspension, wheels, and tires	26
Shifting gears and clutch	16

ITALY

[Law published Gazzetta Ufficiale, April 25, 1927]

It is obligatory for all Government departments, semiofficial institutions, and organizations in any way dependent either directly or indirectly on the Government, including those holding concessions from or in any way subsidized by the State to give the preference to local firms in connection with all purchases of supplies or work to be done. Foreign bids will only be received when the local industry is unable to offer satisfactory prices for the quality required or where it is not possible to obtain the entire quantity needed within the necessary period of time, in which latter case such bids must be limited to the quantity exceeding the capacity of the local industry. In all other cases bids must also be requested locally, and the competition can be limited to foreign firms only in the event that the local industry is not in position to produce the material required. In connection with contracts made by the Government departments, where necessary, the opinion of the Minister of National Economy or of the General Confederation of Industry as to whether or not the conditions outlined above exist shall be obtained, and such departments must furnish quarterly to the minister in question a list of the contracts concluded abroad, indicating in each case the name and nationality of the firm, the nature of the goods furnished, and their value. The only exception made is in the case of materials purchased by the military departments for purposes of experiment or study where it is desirable that secrecy should be maintained. A special commission will be appointed to consider doubtful cases.

The Government departments and other organizations where freedom to make purchases abroad is limited by the decree just issued can not request competitive bids from abroad without the previous authorization of the Minister of National Economy, which is also required in the case of private negotiations with foreign firms except in connection with the purchase of repair parts for machines manufactured abroad. Where foreign bids are allowed, the limits of protection granted to local firms by a previous decree dated January 7, 1926, will apply; that is to say, the price of the domestic product may exceed that of foreign products offered in competition, including customs duty and transportation charges to destination, by not more than 5 per cent, and in exceptional cases this percentage may be increased to 10 per cent. If the most favorable foreign bid increased by the percentage indicated above is equal to or greater than the lowest Italian bid, preference shall be given to the latter. However, this protection is only granted to Italian firms which manufacture in Italy and to the establishments of foreign firms situated in Italy which employ for the most part Italians and assume an obligation to manufacture the goods in question in Italy, using Italian materials as provided in a later article.

Local firms which have been awarded contracts for furnishing supplies or carrying out work are obligated to employ exclusively materials of local production except in the following cases:

- (a) Where it is a question of goods not produced in Italy.
- (b) Where it is impossible to obtain the quality required or a sufficient quantity to insure the observance of the conditions of delivery.
- (c) Where the price of the local materials exceeds that of foreign materials by more than the percentage of protection granted to the local industry as indicated above.

There shall be considered as local products goods of all kinds which are produced in Italy either using raw or semifinished materials of Italian production or raw or semifinished materials produced abroad, provided that in the latter case the finished product represents an increase in value of at least 40 per cent over the value of the foreign materials used in its manufacture. Under special conditions this percentage may be less than 40 per cent, but in no case below 20 per cent. In no instance will products that are simply assembled in Italy from separate parts manufactured abroad be considered as Italian products, even if there are added accessories manufactured in Italy.

Firms which do not comply with the conditions laid down are punishable with a fine up to 10 per cent of the value of the raw or manufactured materials of foreign origin employed, and in case of a second offense may be excluded for a period of from one to two years from all contracts with the State and the other bodies to which the decree applies.

POLAND

Although not officially revealed, it has been an open secret for some time past, especially since the inauguration of drastic import restrictions in 1925, that the Polish Government is pursuing a policy of eliminating, whenever possible, foreign products not only in cases of bids on government contracts but also for use by municipal and communal institutions. This policy is being enforced chiefly, indirectly, by means of confidential circulars. At least in one instance such a circular was brought to the surface by a contractor in connection with the delivery of American products (lard and fatback) for the Polish War Ministry.

While the discrimination against foreign products is essentially a part of the policy of import restrictions, it is also intended for the protection of domestic industries and labor. For instance, all the contracts of the American contracting firm "Ulen & Co." on the construction of public utilities for several municipalities contain a stipulation limiting to a minimum the use of foreign materials and labor. Even the Harriman-Anaconda concession on the Giesche Zinc & Metallurgical Works, generally very broad, contains similar limitations. Municipalities have been admonished by the central government to refrain from placing orders abroad without the consent of the respective ministries.

RUMANIA

The elimination of foreign materials not produced within the country is effected exclusively by means of prohibitive duties. The draft of the contract of "Ulen & Co." with the municipality of Bucharest on public-utilities construction work provided practically for the elimination of foreign materials obtainable within the country. No other information concerning discrimination against foreign products by the government or municipal authorities has been brought to the attention of this office.

SCANDINAVIAN COUNTRIES

There is no information which would indicate that the government of any of the Scandinavian countries gives preference to local firms to the extent of awarding a contract, although their bidding be higher than that of a foreign firm. Occasionally, when a contract is awarded to a foreign firm because of their ability to underbid local firms, the press often expresses regret that high wages followed by high cost of production makes it impossible for native firms to obtain the contract. There is considerable agitation in the Scandinavian countries for buying home products. This, however, has never taken the form of excluding fair competition by foreign countries.

GERMANY

Persons of any nationality are permitted to bid on government contract requirements. There is a natural tendency, of course, to place orders with German firms, especially in view of the present very large number of unemployed and Germany's high financial obligations to the nations who participated in the war, but orders are also placed abroad if the offer of the foreign bidder is attractive. No particular preference is shown to the United States.

There is no definite percentage in favor of domestic bidders.

UNION OF SOUTH AFRICA

The Government of the Union of South Africa has a well-defined policy for the preferential treatment of the goods made in the Union and allows a 10 per cent buying preference for those manufactured in South Africa from South African raw materials; goods made in South Africa primarily from imported materials are given a buying preference of 5 per cent. While the adoption of this regulation in 1926 has had

the effect of permitting an increasing participation of South African goods, on the whole it probably favors also the participation of American goods represented in the market by resident agents, as compared with their position under the former régime by which contracts were exclusively awarded through the High Commissioner's office in London.

While essentially following the British Empire preference policy, the extent of the government's preference to empire firms, as opposed to other nationals, is less well-defined. In fact it has been the subject of considerable complaint on the part of British firms who feel that the government does not maintain a consistent position with respect to the preferential award of contracts. In some cases the specifications for government tenders have been so drawn as to practically exclude any but British products and it is generally accepted as a fact that in the case of large and important orders a considerable pressure has been brought to bear on South African officials for the preferential treatment of British goods, particularly as a result of the influence of British trade organizations and industrial interests, the latter, of course, predominant in South Africa.

Within the past few months there has been a great deal of criticism of the last Government award in railway tenders, which constitute the most important group of the Government's purchases. German firms received contracts for 93 of the 120 locomotives ordered on a bid which was stated to have been 25 per cent under the British tender and between 30 per cent and 50 per cent under the tender of American firms. British firms received a contract for 29 locomotives and Italian firms a contract for 10 locomotives of a special type. We have seen unconfirmed reports to the effect that the British bidders were requested to submit the second tender in order to make the award more nearly competitive. It appears, however, that the question of delivery was the most important factor in the award and probably explains the request for a second tender. Aside from the Government's awards, it is possible to select a number of instances of awards in South Africa which went to German and Belgian concerns over the heads of British bidders, the price differential in all of these cases having been the conclusive factor. The Durban Corporation extends a voluntary preference of 10 per cent to British firms over other suppliers, but has been compelled to make purchases from German concerns because of the size of the price differential in German bids.

The proportion of South African goods in the total award of Government stores is undoubtedly increasing substantially year by year. The proportion of British participation in this business has dropped from 81 per cent in 1922 to 65 per cent in 1926. Government store imports from Germany have increased from 1 per cent in 1922 to 11 per cent in 1926. The percentage of United States participation is erratic, due to our interest in a somewhat narrower range of commodities. It was 12 per cent in 1925 and 2 per cent in 1926, the drop being due wholly to the participation in railway contracts.

LATIN-AMERICAN COUNTRIES

It is difficult to give specific instances where local manufactures have been preferred despite price or quality differentials favoring foreign merchandise. There are undoubted tendencies in that direction, particularly in governmental and municipal works; but even where there is a marked difference in the price of the foreign and the domestic product, it is not always feasible to determine the relative qualities.

However, we know of one case where the Chilean Government ordered certain railway materials, and specified that these should be manufactured within the country, notwithstanding that none of the materials ordered had ever heretofore been produced in Chile. Although we have no means of ascertaining the prices eventually paid and the qualities delivered, nor the probable prices and qualities had foreign merchandise been ordered, it is safe to assume that the native-made freight cars, gondolas, tank cars, etc., were more costly than and inferior to the imported article.

Another instance is an order placed by the municipality of Buenos Aires, in which it was stipulated that domestic cement was to be used in construction. No prices were mentioned, but it is probable that at the seaport of Buenos Aires the foreign cement could have been supplied at a lower cost, else the stipulation referred to would have been superfluous.

On the other hand, there has been a case in Peru where an order was given for German cement in preference to that locally manufactured at the Foundation Co.'s plant, despite the lower price of the latter. The German cement was allowed to come in free of duty in order to offset the market price differentials.

Far East

BRITISH MALAYA

Singapore naval base: From all reports there appears to be a kind of unwritten agreement that all materials to be used in the construction of the naval base at Singapore must be of British origin.

In this connection it is interesting to note that Trade Commissioner Renshaw recently wrote from Singapore that "despite what amounts to practical orders that only British goods should be bought, a fair amount of American machinery and building material is going into the new naval base because of the acknowledged superiority of these goods."

BRITISH INDIA

An indirect preference is given domestic products by virtue of the fact that all articles purchased abroad, with a few exceptions, by the Government of India or a local government are assessed the same rates of duty as private purchases.

Whereas under former regulations Government purchases abroad were exempted from the payment of import duties, a law effective April 1, 1924, as amended, provides for the imposition of import duties on all goods imported by the Government of India or a local government, or which have been shipped on the order of a department of the Government of India or local government, and have been appropriated to such order at the time of shipment, with the exception of airplanes and parts thereof, arms, ammunition, and certain military stores, currency notes and postage and revenue stamps.

In a recent report regarding protection to the Indian Railway wagon industry, the Indian Tariff Board recommended to the British Indian Government that until the demand for wagons becomes more normal the Government should call for tenders only in India and place contracts if the tenders were within a certain maximum price. A bill was submitted to the legislative assembly in a modified form to give effect to these recommendations. After being considered by a select committee the bill was reported back to the legislative assembly with the recommendation that the Indian Tariff Board's recommendations be accepted rather than those of the Government. According to last reports no final decision had been reached in regard to the measure by the legislative assembly.

NEW SOUTH WALES, AUSTRALIA

(Local government amendment (preference to Australian and Empire goods) act, 1926)

SEC. 2. The local government act, 1919, is amended by inserting next after section 517 the following new section:

517A. (1) In purchasing or obtaining any goods the council shall give effective and substantial preference to goods manufactured or produced in the Commonwealth.

(2) If goods manufactured or produced in the Commonwealth can not be purchased or delivered within a reasonable time, or can only be purchased in insufficient quantities, or of a quality unsuitable for the purpose required, the council shall give effective and substantial preference to British goods over foreign goods.

(3) The minimum rates of preference to be given under this section are indicated in the table following:

Rate of customs duty to which the goods are liable	Minimum rate of preference to be given to goods manufactured or produced in the Commonwealth over—	
	British goods	Foreign goods
	Per cent	Per cent
Duty free.....	20	30
5 per cent.....	15	25
10 per cent or more.....	10	20

In all cases, subject to the provisions of this act, goods manufactured or produced in the Commonwealth are to be given preference of at least 10 per cent over British goods.

In all cases British goods are to be given preference of at least 10 per cent over foreign goods.

(4) In this section "British goods" means goods manufactured or produced at any place within the British Empire; "Commonwealth" means the Commonwealth of Australia; "foreign goods" means goods manufactured or produced at any place outside the British Empire; "goods" includes machinery or material.

(5) The provisions of section 213 with respect to surcharges shall apply in relation to any expenditure authorized by a council in contravention of the provisions of this section.

In addition to this actual preference, there is a sentimental preference in favor of local production which is effective in aiding local manufacturers.

JAPAN

It is the general policy of the Government in Japan to encourage the use of home products wherever possible. Commissions have been organized for the purpose of spreading propaganda on the advantages of using domestic goods in preference to foreign. The following law, passed during the last session of the Diet in 1927, and effective on March 31, 1927, indicates the Government's policy:

"For the purpose of encouraging national industries, and when it deems such action necessary, the Government, for the time being, may specify goods of domestic manufacture in purchases for its account. It may specify (at the time contracts are entered into with manufacturers or others tendering bids) that part or all of the materials which are to

be used in construction or manufacturing processes shall be of domestic manufacture."

Commercial Attaché H. A. Butts reported to the bureau under date of March 20, 1928, that "The Home Industry Encouragement Commission of the Department of Commerce and Industry has definitely agreed upon 37 articles in which preference will be given to home manufactures. These include pig iron and various steel products, certain dyestuffs and chemicals, woollen goods, and miscellaneous technical appliances. It is said that a total of 118 articles will ultimately be designated for such preference as against imported articles. No definite statements have been forthcoming as to the degree of preference to be given."

[H. R. 13405, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,

April 30, 1928.

Mr. TREADWAY introduced the following bill, which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill (H. R. 13405) to regulate the purchase of personal property for the use of the Federal Government

Be it enacted, etc., That in all cases where supplies, equipment, stores, or any other personal property for the use of the Federal Government are required by law to be purchased on the basis of competitive bids, each bid shall specify whether the bidder proposes to furnish a product of domestic origin or a product of foreign origin, as such terms are defined herein, and any bid which fails to comply with this requirement shall be rejected. After such bids and also those which fail to comply with the required specifications or conditions of purchase have been eliminated, the remaining bids shall be classified into (a) those proposing to furnish products of foreign origin, and (b) those proposing to furnish products of domestic origin. If the purchase is required by law to be made on the basis of the lowest acceptable bid and if the lowest acceptable bid proposes to furnish a product of foreign origin, such bid shall be compared with the acceptable bids proposing to furnish products of domestic origin. If any such acceptable domestic bid is not more than 10 per cent in excess of such foreign bid, the official charged with executing the contract may accept the domestic bid and reject the foreign bid. In determining whether to accept the foreign bid or a domestic bid, due weight shall be given by such official to promptness and certainty of delivery, the financial stability and known reputation of the bidders, the assurance of being able to obtain future repairs or replacements, the desirability of maintaining domestic sources of supply of said product for use in time of war or other national emergency, and to any superior quality or adaptability of the domestic product.

SEC. 2. As used in this act—

(a) The term "product of foreign origin" means any product all or the principal part, constituent, or ingredient of which is produced, mined, extracted, manufactured, assembled, or processed in any foreign country otherwise than by a citizen or group of citizens of the United States or a corporation or association organized under the laws of the United States or of any State, Territory, possession, or the District of Columbia.

(b) The term "product of domestic origin" means any product other than a product of foreign origin.

SEC. 3. All laws and parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

MILITARY POSTS

For construction and installation at military posts of buildings, utilities, and appurtenances thereto, as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928 (45 Stat. p. 748), without reference to sections 1136 and 3734, Revised Statutes (U. S. C. p. 219, sec. 1330; p. 1302, sec. 259; p. 1303, sec. 267), including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, \$14,441,950, of which not to exceed \$4,800,000 shall be available for the payment of obligations incurred under the contract authorizations for these purposes carried in the War Department appropriation act for the fiscal year 1929, and in the second deficiency act, fiscal year 1928: *Provided*, That of the amount herein appropriated, \$4,800,000 shall be payable from the military post construction fund created by section 4 of the act approved March 12, 1926 (U. S. C. p. 1913, sec. 1597), and \$9,641,950 shall be payable out of the general fund of the Treasury: *Provided further*, That the Secretary of War is authorized to enter into contracts for the purposes specified in the said act of May 26, 1928, to an amount not to exceed \$3,000,000, in addition to the appropriation herein made:

Provided, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

Mr. IRWIN. Mr. Chairman, I would like to submit an amendment.

The CHAIRMAN. The gentleman from Illinois submits an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: Page 25, line 16, after the word "made," strike out the remainder of the paragraph.

Mr. IRWIN. Mr. Chairman and gentlemen of the committee, as Representative from the district in which this military post, Scott Field, is located, I want to protest against the language used in the bill. Therefore I have introduced this amendment.

In the Sixty-ninth Congress I introduced a bill for \$100,000 for housing at Scott Field, and in the first session of the Seventieth Congress the gentleman from Michigan [Mr. JAMES] introduced a committee bill for \$150,000 for the same purpose. Those bills were authorization bills, and both passed the House. In the appropriation bill for the fiscal year 1929 an item for \$100,000 was carried. It passed the House and went over to the Senate, and was eliminated in the Senate.

I am very anxious to know who is the author of this particular language in this paragraph of the bill. I would like to ask the chairman of the committee.

Mr. BARBOUR. I will state to the gentleman from Illinois that the language was inserted in last year's appropriation bill in the Senate. As I recall, it was exactly the same language.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. IRWIN. I will.

Mr. COCHRAN of Missouri. I have read in the hearings where the officials of the War Department themselves requested this committee to insert that language in the bill. The hearings so disclose.

Mr. BARBOUR. The language of the hearings shows, as I recall, that the War Department does not care one way or the other about it.

Mr. COCHRAN of Missouri. Yes; and you personally called their attention to it.

Mr. BARBOUR. The language was first inserted in the Senate. The gentleman from Illinois [Mr. IRWIN] asked who was responsible for the language.

I stated to him that this language was written into the bill in the Senate, and this year the bill comes down with the same language in it.

Mr. IRWIN. Now, gentlemen, I appeared before the Subcommittee on Appropriations and tried to get this item of \$100,000 inserted in this bill. I was told by the committee to go to the Bureau of the Budget. I talked with General Lord about the matter and he said it was purely up to the Secretary of War or the War Department. I got into communication with the War Department and have a letter from that department, which I ask leave to insert in the RECORD, stating that owing to the fact that this item was taken out of the bill in the Senate the War Department judged a change in policy was contemplated. The Secretary of War stated that he would willingly submit this whole matter to the Congress of the United States. In other words, I went to the committee, I went to the Budget, and I went to the War Department. I have been traveling around in circles but have not been able to accomplish anything.

It seems to me that the striking out of this item by the Senate is interpreted to mean the policy of Congress in this matter. I seriously protest against this discrimination against this one field. We have many more military posts all over the country and none is included in this proviso except Scott Field. I can not quite understand why this field should be discriminated against. From what information I have been able to get from the different activities of the Government I understand this field is supposed to be continued, but under the language of this bill, if it stays in the bill, there could not be one nail driven at this military post. Suppose we should have some contingency at the field or suppose a storm should blow down some of the barracks. If that happened nothing could be done.

The barracks are war-time barracks and are practically falling to pieces at the present time. I understand the Army intends to continue its activities at this field. While I am not asking to amend this bill by inserting an appropriation I am certainly asking that Scott Field may not be discriminated against, and I certainly hope that my amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the letter referred to. Is there objection?

There was no objection.

The letter referred to follows:

DECEMBER 6, 1928.

Hon. ED. M. IRWIN,

House of Representatives, Washington, D. C.

DEAR MR. IRWIN: I am pleased to reply to your letter of November 19, 1928, wherein you request information as to whether appropriations covering certain construction of barracks and noncommissioned officers' quarters at Scott Field, Ill., have been submitted to either the Bureau of the Budget or whether they are included in the War Department appropriation bill for the fiscal year ending June 30, 1930, now under consideration by the House Committee on Appropriations.

Specifically the items referred to are—

One hundred thousand dollars for barracks (Public, No. 764, 69th Cong., 2d sess.).

One hundred and fifty thousand dollars for noncommissioned officers' quarters (Public, No. 518, 70th Cong., 1st sess.).

The item of \$100,000 for barracks was included in the Army appropriation bill, fiscal year 1929, but was eliminated from the bill by the Senate. Subsequently, the Bureau of the Budget was requested to include this item in the second deficiency bill, 1928. It was found to be in conflict with the financial program of the President and was not included in the bill.

From the action of the Senate, to which reference has been made, it appears that there may be some intention on the part of Congress to change its policy with reference to lighter-than-air equipment. Pending a decision by Congress on this subject the War Department does not feel that it should again include such items in the Budget.

However, the policy of the War Department with reference to lighter-than-air equipment remains unchanged.

Sincerely yours,

DWIGHT F. DAVIS,

Secretary of War.

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in support of the amendment. Mr. Chairman and members of the committee, as the report shows, no funds are included in the bill for the preparation of lighter-than-air equipment, nor are any funds included for any building construction at the lighter-than-air post at Scott Field.

This means practically the end of lighter-than-air craft so far as the Air Service of the Army is concerned. The hearings show at the end of the present fiscal year we will have nine ships in operation, while July, 1930, there will be but three ships unless some provisions are made for this service in the pending bill.

I have carefully examined the record, and in no instance can I find any doubt existed either in the mind of the Assistant Secretary of War Davison or Major General Fechet, Chief of the Air Corps, of the advisability of continuing lighter-than-air operations.

This service is included in the 5-year program for the Air Service. Further, provisions have been made in two acts of Congress for the construction of barracks for noncommissioned officers and quarters for the commissioned personnel at Scott Field, Ill. Still the War Department failed to submit estimates to the Bureau of the Budget, and in view of this the committee has declined to recognize the needs of this branch of the Air Service. The subject is discussed no less than eleven times in the hearings, the subcommittee giving the officials every opportunity.

While in one breath those charged with the affairs of the Air Corps state the value of lighter-than-air craft in military operations is admitted, in another breath they recommend to the committee the insertion of this language in the bill, which means beyond question, if carried out, the discontinuance of this branch of the service after July, 1930.

When pressed by the gentleman from California [Mr. BARBOUR] for a reason as to the failure of the department to submit estimates the officials replied it was waiting to see if Congress desired to change its policy in respect to lighter-than-air craft.

We all know the military policy of the Government is not changed by the Congress unless so recommended by the War Department, and I find at no time has the department made any recommendations of any character or even intimated that it desired a change.

We have 32 officers, 2 warrant officers, and 539 enlisted men at Scott Field, Ill. Neither the officers nor noncommissioned officers are properly housed; in fact, the officers reside in towns near the field, either at hotels or in private homes.

The failure of the department to make an estimate for the continuance of lighter-than-air craft is due to the objections of one Senator. In last year's appropriation bill he succeeded in eliminating the item covering this service. The House conferees made every effort to get the Senate conferees to recede from the amendment, but the Senate conferees held out and the appropriation was omitted. The \$250,000 for quarters had been placed in the bill by the House after the department had submitted an estimate, and there was also a \$200,000 appropriation for additional equipment. This was reduced to \$13,000, seriously crippling the activities of this service.

In shirking its responsibility in this matter by declining to submit estimates this year the department officials yield to the opinion of one Senator, but at the same time take the precaution to state in the hearings the necessity of carrying on lighter-than-air.

The House committee has taken the stand if the department wants the appropriation it should ask for it and not expect the committee to assume responsibility. No complaint can be made of this course. The question is, Does the House desire its wishes as expressed by the 5-year program and the two authorizations for housing carried out, or will it, too, yield to the Senator, who is making a fight to destroy this branch of the Air Service?

I do not propose to refer to the military value of lighter than air, because I confess I have not sufficient knowledge to warrant me in expressing an opinion, but I do call attention of the House to the frank statements found in the hearings time and again where the officers of the Air Service not only say there is a military value but also say the service should be continued.

Only a few months ago hundreds of millions of people here and abroad followed the press reports day by day of the movements of the big airship that made the round trip from Germany to the United States. The hearings show England, Germany, and other countries are engaged in research work and experimenting, spending large sums on lighter-than-air craft, while our officials are content to say we want it but will not ask for the necessary funds.

The language the gentleman from Illinois seeks to have stricken from the bill, which provides that no part of the appropriation shall be used for construction of Scott Field, was submitted to the committee by the Chief of the Air Service. The Government has already spent large sums in establishing Scott Field, and this money will practically be a complete loss if the activities are not continued. It was my intention to offer an amendment providing for \$200,000 for additional lighter-than-air equipment. However, after talking with members of the committee, I will accept the suggestion that the bill go to the Senate as reported. The language restricting the expenditure of any money at Scott Field should be stricken from the bill, and I hope the amendment of the gentleman from Illinois, Mr. IRWIN, will be adopted.

A Member of the Senate is now endeavoring to get the War Department to submit an estimate to the Bureau of the Budget and have it sent to the Senate committee in time to be added as an amendment to this bill. We hope he succeeds; and if he does, I feel confident the House committee will accept the amendment and the House will approve.

Mr. BARBOUR. Mr. Chairman, the 1929 appropriation bill, when it passed the House, did not carry this language. When the bill went to the Senate this proviso was written into it in the Senate, there being some question as to how far the Army should go in carrying on these lighter-than-air activities.

The Navy is engaged quite extensively in lighter-than-air craft manufacture and operation. Because of this fact it was considered, as I understand the situation in the Senate, that there was very apt to be duplication along these lines. Therefore, this language was written into the bill providing that none of the money appropriated or authorized to be contracted for in this paragraph should be available for construction at Scott Field.

The Army is reducing its lighter-than-air activities. According to the statements made to our committee, they will have on hand on June 30, 1928, and in operation, 13 lighter-than-air ships; on June 30, 1929, they will have on hand and in operation 9 lighter-than-air ships, and it is estimated that on June 30, 1930, they will be operating 3 lighter-than-air ships.

So in view of the fact that the Army is limiting and even reducing its lighter-than-air activities, and in view of the situation in the Senate the committee deemed it advisable to retain this language that was in the act last year.

There was no estimate from the Bureau of the Budget for this item for Scott Field. When the gentleman from Illinois [Mr. IRWIN] appeared before the committee, the committee took

the position that in view of the situation, the Senate having written this language into the 1929 bill and insisted on its being retained, the gentlemen interested in this item should go first to the Bureau of the Budget and get an estimate. Then the matter could be presented to the committee in the regular way. But the real fight on this matter is in the Senate.

It is there that serious and strong objection has been made to the item, not here; and it is there, in my opinion, that the matter must be fought out. For that reason the committee felt that the only course it could pursue was to bring this bill back with the same language it contained when it was finally adopted last year.

Mr. IRWIN. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. IRWIN. I would like to ask the gentleman, who is chairman of the subcommittee, if he thinks it is entirely fair to single out this particular field. While we are concerned with what the body at the other end of the Capitol does, yet we are legislating on this side of the Congress. As I have protested by my amendment here, I feel that we are discriminated against. If this language is left out we are not discriminated against, but with this language in the bill, there could not be one thing done, as I have heretofore said, and I certainly feel that the House does not care to discriminate for or against any particular military field in the United States until such time as the War Department takes a definite stand as to the policies in respect of the various activities of that department.

Mr. BARBOUR. I will state to the gentleman from Illinois that so far as the subcommittee is concerned, there is no disposition to discriminate against anybody, but here is the peculiar condition that confronts us.

As I said a moment ago, this item for Scott Field was in the bill last year and went out in the Senate. This was agreed to by the House in conference after the Senate insisted on its amendment, and since that time nothing further has been done until now; no effort to get the Budget to recommend it, no effort, as I understand, to get the War Department to recommend that it be provided for. It comes before us without any recommendation behind it whatsoever and the committee felt in view of the circumstances it would not be justified in changing the language of this bill.

Mr. TABER. Mr. Chairman, this is a rather unusual situation. This is the section of the bill which provides for the construction of new barracks and quarters. It provides the money to complete all the barracks which have not now been completed.

At Scott Field we have this situation. As the chairman of our subcommittee has so clearly stated, the lighter-than-air activities are being reduced. At the same time it is contemplated by the War Department to carry them on in a reduced way over the period of the year 1930 and see what results—and see if there is a different policy determined upon by the Congress as to whether or not this activity should be carried on.

With this situation in mind it would be absolutely foolish to go ahead and build new barracks at this place when we do not know whether the final policy is to go ahead with the activity or not.

In the meantime the situation is not suffering, because the general provisions of the law carry money which can be used for the repair of the wooden barracks, and these wooden barracks are probably better than almost any other wooden barracks that we have left which are being used in this country. Having all this in mind, it is absolutely foolish for this House to go ahead and attempt to provide for the construction of new barracks there. Anyway the proper procedure would be for the gentleman to go to the Bureau of the Budget and get an estimate of what the cost of these barracks would be, because the Bureau of the Budget has not submitted an estimate which covers the construction of these buildings; and it can not be done, anyway, without that estimate and the item being included in the bill.

Mr. COCHRAN of Missouri. An effort is being made by a Senator to secure the estimate and submit it to the Senate committee.

Mr. TABER. It will be time to pass on that when they get it.

Mr. COCHRAN of Missouri. There would be no objection by the committee.

Mr. BARBOUR. The gentleman is mistaken; I did not say there would be no objection; I said our action was not final until then.

Mr. IRWIN. In my amendment it does not call for an appropriation. I am only asking that the proviso be cut out.

Mr. TABER. It does not hurt the gentleman whether it is cut out or not.

Mr. IRWIN. Then why is this language in this bill?

Mr. TABER. Because it is generally understood that the construction is to be postponed until they determine whether we are going on or not.

Mr. IRWIN. Why does the gentleman object to striking it out if it does not mean anything?

Mr. TABER. Because it lets it be known that Congress does not intend to go ahead until the matter is determined.

Mr. IRWIN. My amendment simply strikes out the proviso. I am not asking for an appropriation. I am simply asking for the elimination of the proviso.

Mr. TABER. That can be done whenever the estimate comes up and has been passed upon by the committee. It is not proper for Congress to do it now.

Mr. IRWIN. I was told by the committee to go to the Budget, and I did. I went to the War Department, and I tried my best and did everything I possibly could up to this time to secure recognition for Scott Field.

Mr. TABER. The gentleman certainly has.

Mr. IRWIN. I am only asking that you shall not discriminate against Scott Field. We have many other fields, and why discriminate in this bill against Scott Field by expressly specifying it? That is what I object to, and I hope you will allow this provision to be stricken out and not discriminate against Scott Field.

Mr. LANHAM. Mr. Chairman, I was interested in the statement of the chairman of the subcommittee to the effect that by the 30th of June, 1930, the Army would have but three lighter-than-air ships in operation. Do I understand the gentleman to say that that will be the total number of lighter-than-air ships of the Army that will be in use by that time?

Mr. BARBOUR. I understand that is to be the program.

Mr. LANHAM. Now, I want to address myself to that situation. It seems to me that this country, of all countries, should retain its active interest in lighter-than-air work. We are peculiarly and fortunately blessed in being the only country under the sun that has in relative abundance the necessary agent for the safe and practical operation of lighter-than-air ship—namely, helium.

Mr. TABER. Will the gentleman yield for a short statement?

Mr. LANHAM. I yield.

Mr. TABER. I think it is fair that I should inform the gentleman that the naval budget submitted to Congress, which the Naval Appropriation Subcommittee is now considering, provides for the continuation of the construction of the two large airships, the starting of which was provided for in the last year's naval appropriation bill, as rapidly as it can be done under the contract. And it also provides for the continuation of the operation of the *Los Angeles* in the same manner that it has been operated during the period of construction.

Mr. LANHAM. The construction of these two large dirigibles which have been authorized will necessarily require a considerable length of time. Consequently, by the end of the fiscal year we will have three lighter-than-air ships in the Army and practically but one in the Navy—the *Los Angeles*—because the two large ones will be under construction.

It has been my privilege to give considerable study to the operation of lighter-than-air craft. That study was stimulated in the first instance somewhat by reason of the fact that the helium production plant was located in the district that I have the honor to represent. Certainly I can not now be charged with any selfish motive in this regard, which might formerly have been imputed to me, because that plant is closed down and the new Government plant is set up 335 miles from Fort Worth in Amarillo, Tex., in the district represented by my colleague [Mr. JONES]. But my study has impressed me with the importance of our development in this line, because, I repeat, we are the only country that has this invaluable agent and asset of helium in any considerable volume. Other nations have sought for it, even going to the extent in Japan of attempting the hazardous undertaking of trying to find helium in the emanations of certain volcanic gases. And, now, the fact that other countries of the world are anxious to find helium within their boundaries and are spending their money in promoting lighter-than-air development—the great giant *Graf Zeppelin* of Germany having but recently made a trip across the Atlantic and back—shows that the rest of the world, not so favored as we are, is keenly alive to the possibilities of lighter-than-air craft. To me it seems almost preposterous to think that by the 30th of June of next year, favored and fortunate as we are, even for purposes of training personnel and of experimentation by land

and by sea, we are going to have but three little ships in the Army and one large one in the Navy, which, according to the terms of the treaty, can not be used in military operations.

Should the foremost country in the world, favored by Providence in having a practically inexhaustible supply of this great agent, throw away its chances and opportunities, train no personnel, have no ships, when the other nations of the earth not so favored are proceeding diligently in the lighter-than-air field?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LAGUARDIA. Mr. Chairman, I agree entirely with the conclusion of the gentleman from Texas [Mr. LANHAM], though perhaps not for the same reasons. It seems to me that the Congress should not abandon lighter-than-air craft in the Army and the Navy. While at the present time there is doubt as to the real military value of large airships, owing to the development in airplanes, the field of airships has been by no means fully explored.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LANHAM. In that connection, of course, the large ships will perhaps be more serviceable for the Navy, but those in the Army service are smaller ships, and it is not contemplated that they will be enlarged in size.

Mr. LAGUARDIA. They have great potential possibilities. There has been very little developed in airships since the time that Count Zeppelin first built his large dirigible, and it would be a great mistake if, having the natural resources described by the gentleman from Texas [Mr. LANHAM], we were to abandon the experimentation and development of lighter-than-air ships. If there is one useful purpose of an army and navy in time of peace, it seems to me that it is along these lines in developing these new means of transportation, and I look at aviation as an agency of peace rather than as a weapon of war. We have the advantage of having an abundance of helium gas. We are certainly appropriating generously for the development of aviation, but I would not go along with the recommendation of the War Department to curtail along these lines. At the last world aviation conference held in Washington, I think it was brought out by some one that all of the discussion was on heavier-than-air planes, and very little was said concerning airships, because there was such little improvement and progress made in that field.

The lighter-than-air ships afford great possibility for the development of motors. With the new fuel used by the Germans in the *Graf Zeppelin*, which just made a round trip from Germany, and with the new ideas being put into the great dirigible now being built by the English, which ship will be ready in a few weeks, we ought to take advantage of the progress made by the English and the Germans and utilize the natural resources that we have and utilize the time and services of a large, efficient Air Corps and use some of the funds we are appropriating for the development of aviation and keep up the experimentation in the lighter-than-air ships. I for one say that we have not yet arrived at that time or stage of development where we can properly say, "Let us abandon the lighter-than-air ships."

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. IRWIN. In view of the fact that Scott Field is the largest lighter-than-air port in the United States, and in view of the fact that the gentleman says that this matter of lighter-than-air ships is in an experimental stage, does he feel that it would be proper to abandon this particular field, which is the greatest field in the country at the present time?

Mr. LAGUARDIA. That is but one of the details. I am never very much concerned and I can not get very much excited over the location of a field or barracks or experimental station. I always look at these things from a broad national viewpoint; it is a matter of indifference to me whether the field is at Scott Field or anywhere else, and I say that in due deference, because I believe the gentleman is entirely within his right in urging the particular field in his district.

Mr. IRWIN. I would say the same thing after the Government of the United States has expended millions of dollars there.

Mr. LAGUARDIA. I am interested in the proposition in its broadest sense.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JAMES. Mr. Chairman, it is not the intention of the Air Corps to abandon either the balloons or airships. I had the matter up with both General Fechet and Mr. Davison. I have a similar letter from each and with the permission of

the House I shall extend my remarks by inserting these letters at this time:

JANUARY 5, 1929.

HON. W. FRANK JAMES,

House of Representatives, Washington, D. C.

DEAR MR. JAMES: With reference to your letter of December 14 concerning Scott Field, I am inclosing a communication which is identical with a letter which I understand Mr. Davison has already forwarded to you.

Sincerely yours,

J. E. FECHET.

Major General, Air Corps, Chief of the Air Corps.

JANUARY 3, 1929.

HON. W. FRANK JAMES,

House of Representatives, Washington, D. C.

DEAR MR. JAMES: With reference to your letter of December 14 concerning Scott Field, the following data has been compiled:

a. Scott Field was established June 14, 1917; the land being leased by the War Department from that date until 1919, when it was purchased for \$119,485.84. The area is approximately 626 acres.

b. Scott Field was first established for the purpose of primary heavier-than-air training.

c. Amount of appropriations: Permanent improvement, including original cost of land to June 30, 1928, approximately \$3,561,056.67.

d. At present the Air Corps has located at Scott Field a balloon and airship school which has been suspended for the present fiscal year due to various causes. During the suspension of school activities the airship companies are operating as tactical organizations.

Inclosed is a copy of the recommendations made by me to The Adjutant General concerning the future of lighter-than-air. There is no intention of abandoning Scott Field. In war time this field will be the center for lighter-than-air training and the mobilization center for lighter-than-air organizations.

Sincerely yours,

J. E. FECHET,

Major General, Air Corps, Chief of the Air Corps.

[First indorsement]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE AIR CORPS,
Washington, D. C., October 6, 1928.

To: The Adjutant General, Washington, D. C.

In compliance with basic communication the following report is submitted. The report follows, in general, the form and captions as outlined in above-mentioned letter.

1. It is the opinion of this office that lighter-than-air craft are of great value and are necessary to the Army in war and that their operations should be continued during peace time in order to prepare for war activities. Although balloon companies were rendered inactive in 1922, it was not because balloons were considered as no future use in war. Balloons have in the past, and will continue to be in the future, the most efficient and effective means of observation of artillery fire and surveillance of limited areas when the ground observer is unable to properly function. It is readily seen that a balloon company, in peace time, although a very valuable asset as a training school for officers as well as for use in conjunction with ground troops, is not as necessary or important as heavier-than-air activities. With the limited appropriations available and the small size of the Army there are other activities which are of much more importance. It was necessary to curtail certain activities and it was believed to the best interest of all concerned that the balloon companies should be the ones to suffer. However, it is believed that balloons should again be used for work with the railroad artillery at Fort Eustis, Va., with the Field Artillery School at Fort Sill, and possibly for use with the Second Division at Fort Sam Houston, in addition to other stations where it is desired that they cooperate with other arms. Their war-time function has not ceased or been changed. They are still considered our best means of observation in their particular line.

The development of the larger airships has been undertaken by the Navy as a result of an agreement between the members of the Joint Army and Navy Board with the understanding that when a satisfactory airship had been designed and tested that it would be available for the Army. In consequence very little, in fact no, experimenting had been done by the Army in the larger types of rigid airships. Although it is the opinion of this office that dirigibles will undoubtedly play a large part in the next war, especially in the transportation of personnel and supplies, nevertheless the Army is unable to carry out experiments and tests by virtue of the aforementioned agreement. However, the *RS-1*, a small semirigid airship, has been constructed by the Army at Scott Field, Ill., and considerable experimenting has been carried on with this particular type. Curtailment of funds prevent more thorough and exhaustive tests.

It is apparent that for coastwise patrolling the airship is a most valuable adjunct. The type now present in the Army is entirely too

small for this purpose, and it is believed that the type developed by the Navy—that is, the *Los Angeles*—is too large. Therefore, considerable experimenting will have to be undertaken before this question can be definitely answered. However, the large airship affords great possibilities as a means of transporting limited personnel and supplies to reinforce our foreign possessions at the outbreak of war.

A. BALLOONS

(1) Free balloons: The free balloon is an instrument of training only. All types of lighter-than-air craft may at times become free balloons and must be operated in accordance with the laws of aerostatics. This is true of the captive observation balloon, should its cable break, and of the airship when the engines cease to function. It is, therefore, essential that the preliminary training of all pilots of lighter-than-air craft begin with training in free ballooning.

(2) Balloon, observation: The observation balloon, as its name implies, is a means of effecting aerial observation for the benefit of ground troops. It proved very effective during the last war, and is still considered an excellent method of observation for the adjustment of most types of artillery fire and the surveillance of certain areas of active operations. Because of the ability of the observer in the balloon to give his complete attention to the examination of his sector and because of the direct two-way telephonic communication available, the observation balloon provides an excellent method of carrying out general observation, command, and liaison missions over a limited area. The observation balloon should always be used in lieu of heavier-than-air craft, provided it can fulfill the mission. All balloon companies were placed on an inactive list by July, 1922. As a consequence, there has been little development of the observation balloon and the training and technique pertaining thereto since that date. The peace-time activities are covered in paragraph 1 above.

B. AIRSHIPS

The airship is used strategically or tactically in a situation favoring its employment as a complement or replacement of the airplane. Such conditions are cloudy or inclement weather, long-range operations by the aerial situation, and situations wherein the peculiar characteristics of airships make it a suitable agency for use in conjunction with or in lieu of heavier-than-air craft. The characteristics of the airship can be stated as follows:

(1) POWERS

- (a) Ability to cruise for long periods of time.
- (b) High percentage of useful load with a continued increase of percentage of useful load with an increase in size.
- (c) Ability to navigate accurately under conditions of poor or no visibility.
- (d) Ability to hover for extended periods at high ceiling or in lower altitude.
- (e) Ability to "free balloon" during engine trouble or for the purpose of effecting surprise.
- (f) Ability to fly in fog, clouds, and other kinds of inclement weather with less hazard than airplanes.
- (g) Superior facilities and conditions for two-way communications due to greater weight-carrying capacity.

(2) LIMITATIONS

- (a) Vulnerability. This characteristic will always remain with the lighter-than-air equipment until their speed will equal or surpass that of aircraft or until some means are effected of permitting the protection by either airplanes or machine-gun fire or possibly a combination of both. The vulnerability from fire caused by incendiary bullets or from explosion of its gases has been overcome by the use of helium.
- (b) Comparative slow speed.
- (c) Limited ceiling of the nonrigid and semirigid types.
- (d) The difficulty of handling while on the ground. This difficulty is being lessened by the added use of mechanical appliances.

(3) MISSIONS

The airship is particularly well adapted to perform coastal and observation missions in coast defense, especially in those sectors where a landing in force is not probable but where raids may be expected. It is unlikely that there will be sufficient airplanes available for employment in such sectors in a major war.

The efficiency of such as are available can be greatly increased by operating them in conjunction with patrol areas which will perform much of the reconnaissance duty at ranges greater than can be covered by heavier-than-air craft. Airships in such employment will be able to spot hostile submarines to greater advantage than airplanes because of their ability to travel at much slower speed and, consequently, conduct a more thorough search. Airships can destroy submarines by bombing the same as by heavier-than-air craft. The ability to travel at slower speeds make the airship useful in inspecting friendly mine fields. Another employment mission for airships is in situations such as those present at the Panama Canal and the Hawaiian Islands where attack is likely to take the form of occasional raids, particularly from the air. It is believed that the airship can do much of the aerial patrolling, patrolling ranges greater than the radius of action of heavier-than-air equipment.

(4) AIRSHIPS, PRIMARY TRAINING

The function of the training type airship is to provide instruction in flying and in the principles of flight of lighter-than-air craft supplied with power. A small airship is used to furnish this necessary primary instruction.

(5) AIRSHIPS, OBSERVATION

Airships for observation will be of several different sizes, depending upon the type of observation work required. It is possible that there is a definite place for a small airship so equipped and rigged that it can be flown to a particular location, anchored by means of a cable and operated as a captive balloon. Such an observation airship could supplement a captive observation balloon to a certain extent. The large size airship will be required for observation missions at great distances or during weather in which it is impracticable for heavier-than-air craft to operate.

(6) AIRSHIPS, PATROLLING

The function of the patrolling airship is that of furnishing continuous patrol over large stretches of border area, sea area, or seacoast. Such an airship, by virtue of its ability to remain in the air for long periods, can furnish an effective and continuous patrol. The size of the airship will be dictated by the distance to be flown, frequency of patrols, and altitude required. The ability of the airship to hover over a given point for detailed observation and to remain on patrol for a long period with a small crew and without great apparent hardship or fatigue on the crew gives to this type of craft a distinct advantage for patrol over long stretches or over great areas.

(7) AIRSHIPS, CARGO

Although there has not been a great amount of work done along this line, nevertheless it presents great possibilities and undoubtedly in future wars will play an important rôle. It can be visualized that the day is not far distant when it would be possible to send a pursuit group by lighter-than-air craft from the Pacific coast to Hawaii. It also has possibilities as a means for the evacuation of the sick and dangerously wounded to bases in the zone of the interior.

It is believed that further experiments will disclose a very important rôle for this type as a medium of transportation for personnel and supplies from base depot to advance depot; points in the zone of interior to points in the communications zone; method of rapidly reinforcing our foreign possessions, particularly Panama and Hawaii, and like uses.

a. Present equipment: The Nineteenth Airship Company now maintains in commission two airships of the TC type. The equipment of Scott Field consists of three TC type airships and two of the TA type, together with the necessary spares. These are used for training purposes. There are also at Scott Field, undergoing service test, airships of the TE and TF types. The TE type is intended, if satisfactory, to replace the TA type for training purposes. The RS-1 is also in commission at Scott Field.

The present lighter-than-air organization is as follows:

Station	Organization	Enlisted strength
Langley Field, Va.	Nineteenth Airship Company	120
Scott Field, Ill.	Eighth Airship Company	116
Do.	Ninth Airship Company	117
Do.	Twelfth Airship Company	123
Do.	Twenty-fourth Airship Service Company	100

The Air Corps 5-year program provides that with the second increment of personnel which was to be made on July 1, 1928, the Eighth, Ninth, and Twelfth Airship Companies, at Scott Field, Ill., be brought to an enlisted strength of 130 men each, and that the Sixteenth Airship Company be organized with a strength of 130 men.

To date none of these increments have been added, nor has the Sixteenth Airship Company been organized.

b. Balloons: The 5-year program should be carried out as approved except that two captive balloons be temporarily furnished each Airship Company in addition to their present equipment as soon as the equipment is available and hangar space can be obtained.

AIRSHIPS

The 5-year program which is now being carried out should not be materially changed, and the airship policy, increase in personnel, equipment, etc., should be followed as given in this program except for such minor changes and modifications as are necessary from time to time.

c. In order to carry out the recommendation in paragraph b (balloons) above, it will be necessary to determine the actual amount of equipment necessary—i. e., balloons, balloon winches, etc.—before a comprehensive statement can be furnished. Inasmuch as the Budget hearings for the 1930 fiscal year are already under way, it is thought proper to thoroughly study this matter and include the funds necessary in the 1931 estimate rather than attempt to hurry the matter and include the items in the 1930 fiscal year funds. A study covering this proposed change will be immediately undertaken and definite recommendations will be furnished your office at the earliest possible date.

As previously stated, the cessation of balloon activities and curtailment of activities is not as a result of the premise that they had little or no place in the scheme of national defense but was required in order to keep the Air Corps funds within the limit prescribed and at the same time carry out the best heavier-than-air program possible. A study of the appropriations in the past few years will disclose the fact that funds for lighter-than-air activities have continually diminished until the point was reached in the 1930 fiscal year funds when nothing was included. It is proposed to include funds for this branch in the 1931 fiscal year appropriation and gradually bring back into being a well-balanced and active lighter-than-air component.

d. The Air Corps Balloon and Airship School had been rendered inactive for the fiscal year 1929 per third indorsement, Adjutant General's Office, September 12, 1928, file A. G. 352, A. C. Bln. & Airship Sch. (8-28-28) Misc. (C).

J. E. FECHET,

Major General, Air Corps, Chief of the Air Corps.

The amendment offered by the gentleman from Illinois [Mr. IRWIN] would not make any difference either way, whether you adopt it or reject it, because if you will read the rest of the paragraph you will see that it has already been allotted to different places.

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. JAMES. What the gentleman should do, as I advised him, is, instead of adding \$250,000 to this bill, to go to the Director of the Budget and get a supplemental estimate and have it come up in the deficiency appropriation bill, and get it in that way.

Mr. IRWIN. I am not asking for an appropriation. I am asking that this language be cut out in this amendment prior to asking for an appropriation later. I am just asking that this proviso be cut out—that is, the whole amendment—because I feel it is a discrimination, and if we want to continue lighter-than-air activities I do not think we ought to discriminate against this field at this time. I am not asking for an appropriation now, but I expect to later.

Mr. JONES. If the gentleman from Michigan will yield for a question in reference to the program he is reading. I notice on page 34 this bill carries this proviso:

No part thereof may be expended for the production of lighter-than-air equipment.

Will not that language, if it stays in, prevent the use of any money provided in this bill for construction of lighter-than-air equipment?

Mr. JAMES. For the present year; yes.

Mr. JONES. Let me ask this question: What about the reconditioning and remodeling of the RS-1, which they claim has depreciated? I understand they desire to recondition, remodel, and recover the RS-1, and I wondered if this clause here would not prevent that being done?

Mr. TABER. This has nothing to do with anything whatever of the regular Air Service appropriation. It simply relates to the construction of barracks and quarters.

Mr. JONES. I understand that, but I call attention to the language on page 34 and ask if that prevents them from going ahead with lighter-than-air matters?

Mr. TABER. No—

Mr. JONES. "For experimental and research work with airplanes or lighter-than-air craft."

Mr. TABER. It does prevent the building of lighter-than-air craft with any of the money, but does not—

Mr. JONES. It says here "and their equipment, experimental, and research work."

Mr. TABER. No; it says lighter-than-air equipment, and that means new and not replacement or reconditioning or recovering. It means the construction of new equipment.

Mr. JONES. To follow it up it says here that no part thereof may be expended for production of lighter-than-air equipment. Would that in any way prevent the reconditioning or remodeling or recovering of a ship they have now on hand?

Mr. TABER. Not reconditioning or repair of that which they have on hand.

Mr. JONES. Then it was not the intention of the committee in putting this language in any way to interfere with the program of remodeling and recovering the RS-1 should they decide to do so?

Mr. TABER. Not at all.

Mr. JONES. That could be undertaken notwithstanding that provision?

Mr. TABER. Yes.

Mr. COCHRAN of Missouri. I referred to that in my remarks, and I had an amendment prepared to strike out that language, but in view of what was stated by the chairman I thought it advisable not to offer it.

Mr. JONES. I have prepared an amendment but in view of the assurances received I shall not offer it.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words for the purpose of obtaining information. After listening very carefully I could not but reach the conclusion that that proviso means nothing according to the committee. It makes no difference whether it is stricken out or left in the bill.

Mr. TABER. I would say if it was stricken out it would not mean the construction of these barracks.

Mr. SCHAFER. If this proviso is stricken out, will the War Department have authority to use any of the appropriation for that particular field?

Mr. TABER. No.

Mr. SCHAFER. Then it does not mean anything, and I do not think the House should adopt the policy of putting language in a bill that does not mean anything.

Mr. BARBOUR. The appropriation was in the bill last year, and it is rewritten in the bill this year. There is no Budget estimate for it. In all probability the War Department would not use any of it for Scott Field, there being no Budget estimate for it in connection with this bill. But they probably would have a right to do it if they undertook to do it deliberately. They could use some of this money for Scott Field, but I do not think there is any probability that they will do it.

Mr. SCHAFER. Then why not strike it out? If you add two or three lines of language to this bill and two or three lines of language to another bill, lines of language that do not mean anything, it adds to the expense of printing, to say the least.

Mr. DYER. It would be economy to strike it out?

Mr. SCHAFER. Yes. However, I think there is something deeper in this proviso than appears on the surface. If this proviso is left in the bill, I venture to say that in the future should the gentleman from Illinois request the Budget to approve appropriations for this field that he will be told that they will not be approved because Congress by adopting the proviso had indicated a policy against further appropriations for this field.

Mr. IRWIN. The language of this bill specifically prohibits the War Department from using it at all. There might be some contingency arising whereby they might have occasion to use some of the money, and therefore I am objecting to this proviso.

Mr. SCHAFER. I think the gentleman's amendment is proper. The House should adopt it by an overwhelming vote.

Mr. JAMES. Did not the Budget send an estimate of \$100,000 last year, which was reported by your committee and which was passed by the House and stricken out by the Senate?

Mr. BARBOUR. This is what happened: This language provides that none of this money shall be used at Scott Field. That was the action of Congress in the 1929 act, and it will be the action of Congress if this bill carries this language. Last year it was ratified and adopted by both Houses.

Mr. DYER. No matter what the necessities may be as they arise, they could not use any of this money for this purpose?

Mr. BARBOUR. In view of the status of lighter-than-air ships in the Army, I think we should have this language until some definite decision is made by the Army as to what the policy shall be. A new helium plant is being constructed at this time down at Amarillo, Tex. The Navy is providing \$8,000,000 for its experimental work in connection with lighter-than-air ships and the Army will carry out its policies at the present time. In view of the activities of the Navy there is no reason why the two branches of the Government should be experimenting along the same line and spending perhaps twice as much money as may be necessary.

Mr. IRWIN. The reason why I press the amendment is that if there should be a contingency arising the Government could not spend a dollar on this project. That is the reason why I want the language eliminated. Something might turn up in 12 months by which you might want to do some building. Therefore I think the War Department ought not to be hampered by this language.

Mr. BARBOUR. The War Department does not feel that it is hampered. They are not interested one way or another.

Mr. HILL of Alabama. We might have a fire out there or something of that kind.

Mr. BARBOUR. Yes; and then the matter could be reached in a deficiency bill. We have fires at Army posts off and on, and they are always taken care of. We had one at Fort Sill a year or so ago.

Mr. HILL of Alabama. And one the other night at Bolling Field.

Mr. BARBOUR. Yes; they have had several over at Bolling Field. They are taken care of.

Mr. IRWIN. After Congress adjourns there might be a fire, and we could not then appropriate money for Scott Field.

Mr. BARBOUR. Then we might have an extra session.

The CHAIRMAN. The time of the gentleman from California has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. SHREVE. Mr. Chairman, I want to interrogate the distinguished gentleman from Texas [Mr. LANHAM]. When I came into the Chamber one gentleman was speaking of the helium situation.

Mr. LANHAM. Did the gentleman understand me to say there was not enough helium?

Mr. SHREVE. Yes.

Mr. LANHAM. The gentleman misunderstood me. I think there is sufficient helium, and I contend further that, if we reduce our operations in lighter-than-air craft, the new plant at Amarillo, Tex., with its possible production at a very low cost, will produce more helium than the available ships can take.

Mr. SHREVE. I am glad to have that statement. The committee having charge of the matter was desirous of furnishing all the helium required by the Army and the Navy, and we really made another appropriation and set aside \$500,000 more to be used at the discretion of the President.

Mr. LANHAM. I commend the committee and the gentleman's activity in that regard. We have plenty of helium, and the means are available for producing helium, and all we are concerned about now is to have the proper airships into which to put that helium.

Mr. HOWARD of Oklahoma. Is it not a fact and does not the evidence show that there is much helium going to waste in gas fields in which the plants being operated by the Bureau of Mines are not located?

Mr. SHREVE. Yes; and we have been giving that consideration. What we are endeavoring to do now is to secure a great area of land that the Government will own where helium will be produced as found necessary and where there will be no leakage and wastage.

Mr. HOWARD of Oklahoma. What I am driving at is to have a little more conservation, for the reason that I know in the Osage Nation, in my district, there is a certain percentage of helium in the gas, every bit of it, and it is going to waste, and in addition to producing helium in a Government plant I was wondering whether or not your committee had given consideration to the question of conserving that which is being destroyed.

Mr. SHREVE. I will say we are making a study of the whole helium-bearing section, with the idea in mind of determining just what eventually should be done in the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. O'CONNELL. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. IRWIN) there were—ayes 34, noes 21.

So the amendment was agreed to.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. I do so, Mr. Chairman, for the purpose of asking for a little general information relative to the item in connection with the construction of military posts. I think everyone has recognized for some time that there was a very urgent need for the construction of proper barracks or military posts in order to provide comfortable and sanitary quarters for our troops. I wonder just to what extent the War Department has proceeded in the way of the construction of barracks. In other words, what percentage of the work has been accomplished or will be accomplished with the appropriation carried in this bill?

Mr. BARBOUR. Was that question directed to the gentleman from California?

Mr. BYRNS. Yes; I ask for that information from the gentleman from California who, of course, is fully advised on the subject.

Mr. BARBOUR. I will say to the gentleman from Tennessee that in the report on the bill, page 10, there is a statement showing the construction that will be undertaken under this appropriation. It shows all of the various posts at which moneys will be spent under this appropriation for permanent construction, the character of the construction, and the estimated cost of each building.

Mr. BYRNS. That does not give the information I wanted. This program covers a period of years. When is all this work to be completed, how much has been expended up to this time, and how much is it contemplated will be expended?

Mr. BARBOUR. I will state to the gentleman from Tennessee that the money carried in this bill, together with the contract authorization of \$3,000,000, carries the amount that will be provided in 1930 up to almost \$40,000,000.

Mr. BYRNS. That will have been appropriated if this appropriation is made?

Mr. BARBOUR. Yes; including the items in this bill. Their whole program of permanent construction at posts amounts to something over \$100,000,000. There is in the hearings a table showing the status at the present time of every project for which we have made appropriations heretofore. The statement in the report shows the posts at which the money carried in the 1930 bill will be expended and the character of the buildings which will be erected. There is a statement in the hearings showing the status at the present time of each of the buildings heretofore appropriated for, some practically completed, others in course of construction and some for which they are preparing plans and specifications. Now, as to the results that have been accomplished by this building program—and I think that is what the gentleman from Tennessee is interested in—I will say that the sum carried in the 1930 bill, plus the contract authorization of \$3,000,000 carried in this bill and prior appropriations will make provision for 23,798 enlisted men, 797 noncommissioned officers, 727 officers, 1,408 hospital beds, and 192 nurses.

Mr. BYRNS. The gentleman says \$40,000,000 will have been appropriated and that it will require more than \$100,000,000 to complete the program. Does that mean in addition to the \$40,000,000?

Mr. BARBOUR. As I understand it that is the estimate of the War Department for the complete housing program.

Mr. COLLINS. If the gentleman will yield, I think the figures show that the total building program will be around \$200,000,000.

Mr. BYRNS. That appears to me to be quite a sum.

Mr. BARBOUR. I will state to the gentleman from Tennessee that that has not all been authorized as yet.

Mr. BYRNS. It has not been authorized?

Mr. BARBOUR. No.

Mr. BYRNS. I was just wondering as to the character of these quarters.

Mr. BARBOUR. They are modern buildings, very well constructed, with all the latest improvements in the way of sanitary plumbing and things of that kind. They are buildings in which they take into consideration the surrounding landscape and they are appropriate to the particular location. They are very fine, comfortable buildings, and well constructed.

Mr. BYRNS. I think everyone wants to see these buildings provided in a manner that will be comfortable, sanitary, and architectural to a certain extent.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS. If we are going to proceed with a plan that will involve \$200,000,000 in the construction of these quarters, that is a greater sum than I anticipated would be necessary, and I have wondered just how much of that is being spent in providing large and handsome homes for major officers, so to speak.

Mr. BARBOUR. I would state to the gentleman from Tennessee that, so far as the officers are concerned, they have a fixed price for officers' quarters, \$14,500 for an officer with the rank of major or above and \$12,500 for captains and lieutenants. There was a limitation of less than that up until a short time ago, and an act was passed by Congress increasing the amount of the officers' quarters, because it was found they could not build satisfactory quarters with the former amount that was permitted by law. So we increased it about \$2,000 on each class of quarters.

Mr. BYRNS. Let me ask the gentleman this question: Are these posts being constructed under what might be called one general plan, or are we having a different plan and different kind of construction and architecture for each post as it is being built?

Mr. BARBOUR. There is a general plan to a certain extent, depending upon the use or the character of the building, for instance, whether barracks or officers' quarters. The plans are modified to meet the climatic conditions of various sec-

tions of the country. For instance, in the northeastern section of the country they have one type of building.

In California we are told that they are building their barracks of the Spanish type of architecture with tiled roofs and other characteristics of the Spanish type. In the southern section of the country I understand they are using the so-called southern type of architecture, and in the other parts the old Colonial type.

Mr. BYRNS. The gentleman knows that some of us for years contended with reference to the construction of buildings for post-office purposes that there should be a general type adopted for buildings that were to cost something like the same amount and cut out so much expense for architects and for other professional services. Since they are paid upon a percentage basis, it costs a great deal to secure these professional services. The Treasury Department, as I understand, for some years has been conforming to this idea. Now, why carry in this bill continually a provision making it possible to expend unnamed and unknown sums for architects and professional services and things of that sort. It seems to me a great deal of money could be saved by adopting some general type or form for these barracks. We could at least save a little of this \$200,000,000 that is going to be expended for this very worthy purpose. I am not criticizing the purpose for which the money is being expended.

Mr. BARBOUR. We went into that matter with the Quartermaster General, and General Cheatham stated to the committee that they only employed architects in very rare instances. Most of the work is done by the architects of the Quartermaster Corps. There are cases where they like to have their building plans, when completed, looked over by an architect who is located in that particular section of the country and is familiar with conditions there and have possibly some suggestions made which would be valuable. The purpose of carrying this provision in the bill is to permit them to do that. We are told by the Quartermaster General that only in rare cases do they employ these architects. Most of the work is done by their own architects.

Mr. GREEN. Mr. Chairman, I move to strike out the last two words.

I would like to have the attention of the chairman of the subcommittee a moment. I have a telegram from Florida's adjutant general of our National Guard relative to the appropriation for that service, and I would like to know how the appropriation in this bill compares with the one we passed last year; is the appropriation for this purpose as liberal or more liberal?

Mr. BARBOUR. I will state to the gentleman from Florida that we are coming to that item later in the bill, and it is the expectation of the committee that there will be a full and free discussion of it, as much so as is possible, having due regard to the time available.

Mr. GREEN. Does this bill provide a sufficient appropriation for the National Guard, and is it as much as the appropriation last year?

Mr. BARBOUR. The total appropriation for the National Guard is larger than it was last year. I have in mind the matter that the gentleman from Florida refers to and I understand that an amendment will be offered on the floor, and it is our purpose to go into the matter fully at that time.

Mr. GREEN. I appreciate the information and would like to say that it is our desire to ably and well take care of this item.

Mr. LINTHICUM. I want to join in the sentiment of the gentleman from Florida. I understand there will be an amendment of some \$400,000 additional, will there not?

Mr. BARBOUR. The committee is not going to offer it. All we have to go on is the report that we hear. We have not seen the amendment. We are getting our information from telegrams coming to the Members of Congress from various sections of the country.

Mr. LINTHICUM. The National Guard feels they should have about \$400,000 more than is provided in the bill, does it not?

Mr. BARBOUR. I would not say that the National Guard feels that way although some persons connected with the National Guard are urging increased appropriations for one or two items. I will say to the gentleman from Maryland, as I stated to the gentleman from Florida, that we are going into the matter fully at the proper time.

Mr. GREEN. We trust the committee will look with favor on this amendment and help us to adopt it. Our National Guard serves a great purpose and is ready to rescue in disaster, danger, or peril, and I want it well provided for.

Mr. BARBOUR. We will present the views of the committee in regard to the matter and I presume that the gentlemen offering the amendment will present their views. It is an item that we are going to reach later in the bill.

Mr. LINTHICUM. I was hopeful the committee would give the matter consideration in advance so they would not oppose us.

Mr. BARBOUR. The committee has already given careful consideration to all these items.

Mr. LINTHICUM. Is there not some money that might be reappropriated?

Mr. BARBOUR. We considered all those matters. I might say to the gentleman that I think we will be able to show that the National Guard is being pretty well taken care of by this bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings and grounds for military purposes and lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, and disposal of sewage, \$11,648,041: *Provided*, That not more than 19 procurement-planning offices may be maintained during the fiscal year 1930, and not more than 1 such office may be maintained in any city. Where space was occupied in a public building on December 31, 1928, wholly or in part for procurement-planning work, no appropriation contained in this act shall be available for renting space for procurement-planning work in a city where such public space was so occupied: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables for military attachés: *Provided further*, That not exceeding \$100,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1930.

Mr. WAINWRIGHT. Mr. Chairman, I move to amend by striking out the proviso appearing on page 36, between lines 12 and 20.

The Clerk read as follows:

Amendment by Mr. WAINWRIGHT: On page 36, line 12, after the figures, strike out all down to and including the word "occupied," in line 20.

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the House, this proviso sought to be stricken from the bill refers to the industrial procurement planning by the Assistant Secretary of War.

I took occasion yesterday, in discussing an amendment I offered, also curtailing, or seeking to curtail, the activities of the Secretary of War in regard to the number of officers that may be assigned to him, to explain the importance of this work. The Assistant Secretary of War, by virtue of the duty cast upon him by section 5-A of the national defense act, is seeking to fulfill his duty to assure adequate supplies, matériel, and industrial organizations for war-time needs, namely, for the event of another war. It is a tremendous task. The duty was cast upon the Assistant Secretary of War as the result of our experience in the Great War, where we all know the tremendous delay and extravagance and the enormous dislocation of industry that then ensued from our having no plan or made any provision for procuring necessary supplies. This responsibility that is cast upon him relates to planning to take care of the purchase of supplies that may run into billions of dollars. In the late war we know they ran into sums way over twenty billions of dollars. Think how much less the burden of expense of that war might have been had we made some such provision.

As was brought out yesterday, the entire expense of the Assistant Secretary of War is incurred in connection with this planning, outside of the salaries of the Regular Army officers, and is less than one-quarter of a million dollars.

It is manifest that the work must be done throughout the country where the supply services of the Army are located. That requires office space in many places.

What is this proviso? That there shall be not more than one office in any city where these procurement planning activities are carried on; that in any city where at the end of the last fiscal year an office for such work was being maintained in a public building, thereafter from now on no office can be maintained in any other than a building or office space rented.

That means that if the Assistant Secretary of War has an office in connection with the bureau of engineers, where plan-

ning in regard to what might be engineers' supplies in case of war, or with the Quartermaster General's Department for quartermaster supplies, he will be prohibited from having any other office in that city for his planning activities for the other services, even though those other services may have their own separate offices; that is to say, that all the planning activities of the Assistant Secretary for all the several services must be crowded into one office.

Now, it is as unreasonable to expect that all of the activities should be crowded into one office as it would be to require that all of the services could be combined into one service. So far as the second part of the amendment is concerned, namely, that where he is now in a public building, he can never be located in any other than a public building. Suppose, as may be the case, the engineer office that supplies planning is in a public building. If he was crowded out of the building, if it had to leave that office for any reason, if it was torn down, the result would be that, even during the time another public building was being erected, he could never thereafter have rented space anywhere else.

The aggregate they are expending for rent to-day is only \$15,000. I have a list here of 18 offices. They do not seem to be paying over \$800 in any one city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WAINWRIGHT. To tie the Assistant Secretary down to any such restriction will result in a complete dislocation and curtailment of the work as at present being carried on and can not fail to be little short of disastrous.

I take occasion to again emphasize the fact that while we are providing to spend over \$400,000,000 in this Army appropriation bill it seems unreasonable to adopt a hampering clause like this, to obstruct and curtail this transcendently important activity of the Army, relating to the possible procurement of millions if not billions of dollars of supplies where we can, under a proper industrial plan, effect great economies in the event of another war.

I urge the committee to strike out this clause and not to hamper in this manner the present very efficient Assistant Secretary of War, who is doing his best, and a very good best, to meet the great responsibility cast upon him by law. A very small amount of money is involved. The economy that would be effected by this proviso would be far out of proportion to the great disadvantage of the Government in tying down this work in the manner proposed. I urge that this amendment be adopted and this proviso stricken from the bill.

Mr. CLAGUE. Mr. Chairman, I rise in opposition to the pro forma amendment. Under the present regulations of the Army they have 48 offices. Under the proposed plan of the bill we cut those offices down to 19. We do not take away from any city an office, but we are trying to place in these different cities where they have a number of different offices one main office, combining them into one. These offices all relate to the procurement planning of the United States Army. For instance, in the city of San Francisco they have an office for the ordnance procurement planning, and another one for the Quartermaster's Corps, another for the Air Corps, the Signal Corps, the Chemical Warfare, and also the Engineers—seven different procurement offices for the Army in that one city. All those offices should be combined in one. Those men are not there all of the time. Under this planning these officers go out to different manufacturing plants, and things of that kind, and it is a useless expense to have seven different offices where one will be sufficient. We are not taking away an office from any of the cities that have one. This is a matter of economy. There is no reason why, when there is more than one office in a city, they can not be combined into one office. We are leaving an office in every city that now has one. There are 19 cities which now have procurement offices for the Army, and under the bill it provides one office for each of the cities now having one.

Mr. WAINWRIGHT. I have here a list of offices, and in San Francisco there are only four.

Mr. CLAGUE. We have a list of offices also.

Mr. WAINWRIGHT. Not seven, but four, and there are more in San Francisco than in any other city. No other city appears to have more than three.

Mr. CLAGUE. We have a map here furnished by the War Department that shows that in the city of San Francisco they have seven. They have seven in the city of New York, and a large number in other cities, and all of these in Chicago, Cleve-

land, New York, and San Francisco, or anywhere else can be combined into one office in each city. It is time that we had some efficiency. I have a very high regard for the Secretary of War; he is a well-equipped member of the Cabinet, but it is about time that in many of these places where we are spending large amounts of money we have a little efficiency. I hope the amendment will not prevail.

Mr. LAGUARDIA. It is not the Secretary of War that shapes the policy. It is the General Staff. The Secretary of War and the Secretary of the Navy are simply rubber stamps.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

CONSTRUCTION AND REPAIR OF HOSPITALS

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$578,880: *Provided*, That no part of this appropriation shall be used for the construction of new hospitals.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: On page 29, line 1, strike out "\$578,880" and insert "\$603,880," and add the following after the word "hospitals," at the end of line 2: "*Provided*, That out of this sum herein appropriated there shall be used \$25,000 for the construction of a veterinary hospital at Fort Bliss, Tex., on lands now owned by the Federal Government and not at present in use for military purposes."

Mr. BARBOUR. Mr. Chairman, I reserve the point of order.

Mr. HUDSPETH. Mr. Chairman, I ask that the following letter from the Surgeon General of the Army be read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, December 19, 1928.

Hon. C. B. HUDSPETH,

House of Representatives, Washington, D. C.

MY DEAR MR. HUDSPETH: It was gratifying to me to have your inquiry of December 15 with reference to the need of a veterinary hospital at Fort Bliss. I have personal knowledge of the inadequacy of the veterinary hospital arrangements at Fort Bliss, which are a makeshift and of a temporary nature.

Since Fort Bliss has a larger number of mounted troops than any other station in the Army, it is my opinion that they are entitled to the modern veterinary hospital building and equipment, as provided in blue prints and specifications on file in this office and approved by the construction division of the Quartermaster General's office. An up-to-date veterinary hospital of a size to provide accommodations at Fort Bliss is estimated to cost approximately \$25,000.

A necessary adjunct to the proposed hospital is an isolation ward to be used for the purpose of isolating animals suffering from contagious diseases, and especially for the purpose of isolating newly purchased remounts from the animals of the garrison, and it is estimated that this building will cost approximately \$10,000. Such construction has been carefully considered, and while these buildings will provide adequate hospital facilities for the animals at Fort Bliss under normal conditions, it is believed that nothing less would suffice.

More than a year ago the veterinary division and the supply division of this office made an effort to procure a small but efficient veterinary hospital for Fort Clark, Tex., and we thought that we were about to get it, when it was discovered that the money appropriated for construction and repairs was interpreted as being for "repairs" only. It therefore will be necessary to have a sufficient sum of money appropriated for the specific purpose of such construction at Fort Bliss; and inasmuch as this office is strongly in favor of this much-needed improvement, we will render every assistance possible that you may desire.

I am very much obliged to you for your interest in this matter; and with the season's greetings for you and your family, believe me,

Very sincerely yours,

M. W. IRELAND,

Major General, the Surgeon General.

Mr. HUDSPETH. Mr. Chairman, I trust that my friend from California will not insist upon his point of order. This sum is recommended by the Surgeon General of the Army. This post at Fort Bliss is the largest Cavalry post in the United States. They have 5,000 or 6,000 cavalry horses there. Their loss every year from disease which this hospital would prevent is much greater than the sum we are asking for.

Mr. BARBOUR. I shall be compelled to insist upon the point of order because there has been no authorization for this construction. We can not appropriate in this bill for a building not authorized. The proper procedure would be to have a bill introduced and referred to the Committee on Military Affairs and have the construction authorized, then the appropriation will follow.

Mr. HUDSPETH. The appropriation here, under the heading I seek to amend, is, "For construction and repair to hospitals."

Mr. BARBOUR. That means those that have already been authorized by law.

Mr. HUDSPETH. This would be an adjunct. I take it that it would be a continuing project, according to the language used by the Surgeon General.

Mr. BARBOUR. We have in this bill over \$17,000,000 all together in appropriations and authorizations for new construction, all of which has been authorized by law. We have no right to include an item in the bill that has not been authorized by law. It is not that I object to the item, because I know nothing about it, other than what the gentleman has stated.

Mr. HUDSPETH. The Surgeon General states that they now have a makeshift hospital there. This is to construct an addition to that which has been held by various chairmen as a continuing project.

Mr. BARBOUR. If the conditions are as they are reported to be at Fort Bliss, it seems to me that it would be the duty of the War Department to ask for authorization to construct a veterinary hospital there.

Mr. HUDSPETH. As the gentleman will see by the statement there, they thought they had the funds to build this hospital in a former appropriation; but find that they could not use it because it did not provide for a specific hospital at Fort Bliss.

Mr. BARBOUR. The Military Affairs Committee is considering these authorization items all of the time, and the regular procedure would be to first get an authorization and then afterwards the appropriation would follow.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. I am not going to take up the time of the committee, but my idea from the language of the letter from Surgeon General Ireland is that it is a continuing project, and therefore it is, as held by Mr. Towner when chairman of the committee—the gentleman will recall in reference to the land purchased at Leon Springs and El Paso—where he held that it was a continuing contract, and therefore it was in order. I think under that decision it is in order.

The CHAIRMAN. Has the gentleman any knowledge of an act of legislation authorizing the erection of a veterinary hospital at Fort Bliss?

Mr. HUDSPETH. No. There is a hospital, a makeshift, as General Ireland says. I think this project is a continuing project, but all the information I have is the letter from General Ireland. I know they have an old makeshift hospital.

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. BARBOUR. Mr. Chairman, I understood from the reading of the amendment that it calls for the construction of a new veterinary hospital at Fort Bliss.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule. The Chair does not think the construction of a new veterinary hospital at Fort Bliss, Tex., is in continuation of work on any project that is now in existence, a continuing project. As the Chair understands, it is not for the repair of an existing building but a new project, and therefore the Chair is constrained to sustain the point of order.

The Clerk read as follows:

AIR CORPS

AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Corps activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patents, licenses under letters patent and applications for letters patent for the purchase, manufacture, and construction of balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purchases; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies, and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, \$33,359,409: *Provided*, That not to exceed \$3,026,199 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding \$50,000 may be expended for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; not exceeding \$2,255,930 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; no part thereof may be expended for the production of lighter-than-air equipment; not exceeding \$3,267,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary; not less than \$17,439,280 shall be expended for the production or purchase of new airplanes and their equipment, spare parts, and accessories, of which not to exceed \$2,250,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department appropriation acts for the fiscal years 1928 and 1929; and not more than \$6,000 may be expended for settlement of claims (not exceeding \$250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War: *Provided further*, That the sum of \$25,000 of the appropriation for Air Service, Army, fiscal year 1927, shall remain available until June 30, 1930, for the payment of obligations incurred under contracts executed prior to July 1, 1927: *Provided further*, That section 3648, Revised Statutes (U. S. C. p. 1009, sec. 529), shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That none of the funds appropriated under this title shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War

Department, and if such flights are given by Army personnel upon other than Government fields a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

On page 36, line 3, strike out the period, insert a colon, and add the following: "*Provided further*, That none of the money appropriated in this act shall be used for the purchase, maintenance, repair, or upkeep of any airplane after July 1, 1929, which is equipped or propelled by a Liberty motor or by any motor or airplane engine purchased or constructed prior to July 1, 1920."

Mr. LAGUARDIA. Mr. Chairman, the purpose of my amendment is to prevent the use of obsolete motors in new airplanes. We had after the war a large supply of Liberty motors. We have been using those motors ever since. Some of them have been remodeled and rebuilt, it is true, but they are not satisfactory compared with motors available to-day. Now you will hear from the committee telling us that they have had some understanding with the War Department that they would not put these old motors on new airplanes. I have just been informed accurately from authoritative sources down at Dayton that they do intend to put some of these old motors in new training planes. This is the year 1929—not 1919. There might have been justification for using the Liberty motors in 1917-18, but there is no justification in putting those motors in a plane in 1929 and 1930. We are appropriating \$17,000,000 for new planes, and, Mr. Chairman, it is not economy for us to buy new planes and put old motors in them. One forced landing and crash may cost the price of the plane. Surely that is not economy; and besides, if we are to make progress in aviation we must develop motor construction as well as plane construction. We have developed some very satisfactory types of motors in this country and should use them. The records which we have acquired in the last two or three years speak for themselves as to the progress made in motor development, so I want to urge the very serious consideration of my amendment. It so happens that the gentleman sitting on my left at this moment, the gentleman from Minnesota [Mr. MAAS], in flying from Langley Field last year in one of the up-to-date bombing planes equipped with three Liberty motors, had to make a forced landing, and it happens every day.

I know a great many of the flyers, some old in the service with me, with whom I have kept in contact; and I have not heard of one flyer in the Army Air Service who recommends the continued use of the Liberty motor in these new planes. And, gentlemen, it is not economy; quite the contrary. My amendment will be conducive not only to the development of motors but also conducive to the morale of the force. I know of no new planes and can not think of a solitary new plane sold to-day that uses the old Liberty motor. I hope my amendment will be approved.

Mr. BARBOUR. Mr. Chairman, the representatives of the Air Corps who appeared before the subcommittee at the hearings stated positively that they did not intend to use any of the money carried in this bill to build airplanes equipped with Liberty motors. It was stated to be the intention of the Air Corps not hereafter to equip any new airplane with Liberty motors, but simply to retain the Liberty motors they now have on hand for the replacement and repair of Liberty-motored planes.

Mr. LAGUARDIA. My amendment would not prevent that.

Mr. BARBOUR. That is the intention of the Air Corps. The only question that arises is the advisability of putting that language in the bill when the Air Corps does not intend to use Liberty motors in new construction anyway. I have no particular objection to the amendment down to the word "motor," and I would like to ask the gentleman from New York as to the effect of the following words, "on hand in airplane experiments since July 1, 1920"? Might not that prevent the use of a motor more recent and more highly developed than a Liberty motor in replacing motors already in planes?

Mr. LAGUARDIA. If it is since 1920, there is no such animal as the gentleman describes. There is no question about it.

Mr. BARBOUR. I repeat, Mr. Chairman, that the officials of the Air Corps stated positively that they did not intend to use the Liberty motors after July 1, 1929, and therefore there would be no reason for having this amendment in the bill.

Mr. TABER. Mr. Chairman, may I ask the gentleman a question?

Mr. BARBOUR. Yes.

Mr. TABER. This committee in its hearings and in its conduct right along has repeatedly urged the War Department not

to use the Liberty motors. We have their promise now, and their estimate is based on their leaving out the Liberty motors. It is all buttoned up. Why disturb it?

Mr. BARBOUR. Secretary Davison gave his opinion in regard to the use of Liberty motors when the gentleman from New York [Mr. TABER] asked him the question—

There is nothing provided in the estimates before us at this time for planes equipped with Liberty motors?

Mr. DAVISON. That is correct.

Mr. TABER. That is, for the construction of such new planes?

Mr. DAVISON. Yes.

Mr. BARBOUR. Take the planes that are equipped with Liberty motors, and the planes that will be reequipped with Liberty motors. Would you say those planes will be unsafe to use?

Mr. DAVISON. It is awfully hard to answer that question. I am perfectly willing to fly in them, and I do it a good deal, and so does General Fechet. But it is much safer to fly in machines with the modern motors. I do not see how you can get away from that relative proposition, or that relative question.

It was positively stated there and in other places in the hearings that they did not intend to use any more Liberty motors in new construction after July 1, 1929.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HUGHES. How recently have they used these old motors in these planes?

Mr. BARBOUR. In the current year, in training planes.

Mr. HUGHES. Does the gentleman think there would be any harm in adopting that amendment offered by the gentleman from New York in view of what has happened recently?

Mr. BARBOUR. There would not be any use in putting it in, because they are not going to use them anyway.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. MAAS. There are some 3,000 of these Liberty motors in the warehouse. We do not know what the attitude of a possibly different personnel in charge of aviation may be. I think it would be well to provide by law that there shall be no new planes equipped with Liberty motors. I see no objection to putting the amendment in the bill, because the temptation to use these 3,000 Liberty motors might be too great to be overcome.

Mr. BARBOUR. I do not think there is any danger or any intention or any possibility of their using Liberty motors in newly manufactured planes after July 1, 1929.

Mr. FURLOW. Mr. Chairman, I am informed that at the present time we have approximately 3,000 war-time Liberty motors in our warehouses, packed in grease. In order to make each motor available for use it costs the Government practically \$2,500. These Liberty motors were wonderful motors in their day, but progress has been made since their development, and we now find that age has weakened the cylinders and they rust very easily.

Now, then, in what position do we find the Government? It is using an obsolete, reconditioned motor for training purposes, and that does two things. It retards the development of motors, and it places the Air Corps in a position of supplying its fliers not with the best motor but with a motor that was good in its day, but which has outlived its purpose.

I think that Congress ought to establish its own policy with reference to these motors, and that policy should recognize that the Liberty has served its purpose. The testimony in 1926 was that these motors could well be sold at a dollar apiece and thereby save money to the Government in the long run.

I hope the amendment offered by the gentleman from New York will prevail and that this Congress will take this forward step in aviation.

Mr. HUDSON. Will the gentleman yield?

Mr. FURLOW. Yes.

Mr. HUDSON. Would these motors be apt to be sold by the department to others who are building planes?

Mr. FURLOW. I do not think they should be.

Mr. HUDSON. But under present regulations they could do it, could they not?

Mr. FURLOW. Yes; they could be sold.

Mr. HUDSON. Then unless this amendment is made of a broader scope you will imperil lives just the same as if you used these motors in Army planes?

Mr. FURLOW. I say junk them.

Mr. HUDSON. I think if they are not fit for use in Army planes they ought not to be used in commercial planes or anywhere else.

Mr. LAGUARDIA. I will say to the gentleman that there is no market for them.

Mr. MAAS. These motors lend themselves splendidly to conversion as marine motors and I do not think we should preclude the Government from selling them for some purpose, because they can easily be converted into good marine motors.

Mr. LAGUARDIA. My amendment would not preclude that. Mr. FURLOW. I think that can be taken care of, but I do not think they should be put out into the commercial field.

Mr. HUDSON. I think the language should be so safeguarded that they could not be used in any air service.

Mr. BARBOUR. Mr. Chairman, I would simply state that in view of the fact that the War Department has already gone on record as saying they practically favor this proposition the committee has no objection to the amendment.

Mr. COLLINS. Mr. Chairman, I do not think we are justified in saying what has been said about the Liberty motor. The report of Mr. Davison, Assistant Secretary of War, which has recently been issued, makes this statement:

The record made last year is worthy of recognition. The Air Corps flew 182,193 hours, or over 18,000,000 miles, with but 27 fatalities. This means 677,400 miles to each fatality, whereas the year before it was 327,600 miles per fatality.

And in 1926 it was less than that.

Then a question was asked as to the extent of the use of Liberty motors in 1928 as compared to their use in 1927, and he said that the number of Liberty motors used in 1928 was 1,000 as compared to 690 used in 1927.

Mr. HUGHES. Will the gentleman permit a question?

Mr. COLLINS. Yes, indeed.

Mr. HUGHES. Does not the gentleman think that was 1,000 too many for them to use?

Mr. COLLINS. If the number of fatalities was reduced, it seems to me it is an argument as to the usefulness still of the Liberty motor.

Mr. O'CONNELL. Who was the witness?

Mr. COLLINS. That was Mr. Davison, the Assistant Secretary of War in charge of aviation.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. HUDDLESTON. I should like to ask what percentage of the total number of motors in use during both periods were Liberty motors?

Mr. COLLINS. I can answer the gentleman only generally. The testimony only shows that a larger number of Liberty motors were used in 1928 than were used in 1927. Let us go on further. The Assistant Secretary was asked as to the number of fatalities in 1928 that were attributable to motor trouble, and he testified that only four fatalities were attributable to motor trouble. The fatalities were reduced in spite of the larger number of Liberty motors that were used in 1928 over 1927.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLACK of Texas. Did the Assistant Secretary of War state whether or not these four fatalities, which were due to motor trouble, resulted where Liberty motors were used?

Mr. COLLINS. No. He did not.

We have approximately 4,000 Liberty motors now on hand. This bill provides for the renovation of approximately 2,000 of them, and these Liberty motors are going into planes where the motors have worn out. They are not to be placed in any new planes and they are not to be used in any new planes. When a plane is bought we buy the motor that is in it and one additional motor, too. I do not find from the record any good reason why this Congress should put its stamp of disapproval upon a motor that is still useful and when the fatalities are growing less year after year with their use.

The Government has approximately 4,000 of these motors on hand now; they are good motors and they should be used.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. COLLINS. As I said, they are good motors and they are usable motors. General Fechet and Mr. Davison, on their trip to Panama, used one of them, and they testified they are constantly using them now. They do not recommend the installation of them in new planes, but they do recommend the renovation of about half of those that are on hand.

Mr. BLACK of Texas. Will the gentleman yield further?

Mr. COLLINS. Yes.

Mr. BLACK of Texas. If we adopt this amendment it will prevent, as I understand it, the Government from using those motors and make it necessary for the Government to go out and buy new motors from concerns at a large price.

Mr. LA GUARDIA. Oh, no.

Mr. COLLINS. No; only those planes that are built after 1929.

Mr. MAAS. It does not prevent the replacement of present planes with Liberty motors at all.

Mr. COLLINS. It would prevent the replacement—

Mr. MAAS. Oh, no.

Mr. COLLINS. The gentleman does not know what I am going to say. It would prevent the replacement of the motor in a plane, built in 1929, with a Liberty motor four years hence.

Mr. TABER. If the gentleman will yield, I do not understand it in that way. I understand that any plane that is built during the fiscal year 1929 and delivered can be reconditioned by the installation of a new Liberty motor.

Mr. COLLINS. I do not construe the proposed amendment as the gentleman does.

Mr. LA GUARDIA. My amendment merely provides that new planes purchased by the Air Corps after July 1, 1929, shall not be equipped with Liberty motors. That is all my amendment provides.

Mr. COLLINS. That is what I have said.

Mr. LA GUARDIA. The gentleman stresses the fact that there are several planes being reconditioned by replacing Liberty motors in existing planes; my amendment does not disturb that plan or condition at all.

Mr. COLLINS. I understand; but if a plane were equipped with another motor and that plane were built in 1929, then the motor in that plane could not be replaced with a Liberty motor.

Mr. LA GUARDIA. The gentleman is correct.

Mr. TABER. That plane is not constructed so that it could be so replaced.

Mr. COLLINS. The author of the amendment says that my construction of the amendment is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LA GUARDIA) there were—ayes 24, noes 14.

So the amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 34, line 13, strike out "\$50,000" and insert in lieu thereof "\$81,820."

Mr. JONES. Mr. Chairman, I do this in order to make it certain that they will be able to have the funds necessary to purchase the helium that the hearings show they desire.

In the hearings General Fechet said they would need \$132,000, but that was based on helium at a price of \$46 per thousand.

At the new plant at Amarillo, provided they can run reasonably near capacity, they hope finally to be able to make the helium at \$20 per thousand, and I take it this is the basis on which the committee made the amount \$50,000.

As shown by the hearings not only on the Department of Commerce bill but on the present bill—and I have confirmed this by consultation with the Bureau of Mines—this is based on their being able to run at something near capacity. On page 369 of the hearings on the Department of Commerce appropriation they give an estimate of \$20, based upon a purchase of 8,100,000 cubic feet by the Army and Navy combined, and they state that it would require an additional amount if less than this amount were purchased.

In this letter from Mr. Turner, who is the Director of the Bureau of Mines, having this work in charge, it is stated:

Costs as low as those indicated by the above table should not be expected during the first few months of operation as a new plant.

The plant has just about been completed and will be ready to go into operation some time during this month, probably between the 15th and February 1. For the first few months, even if they ran at full capacity, they will not be able to furnish the helium at this price. The cheapest helium that has ever been purchased by the Government is \$35 per thousand.

By my amendment I have not increased the appropriation to \$132,000, which was based on the old rate they had to pay at the Fort Worth plant because of the scarcity of gas and their inability to run full time, but I have placed it at \$35 per thousand, and I have put it "not to exceed \$81,820," which is figured on the amount of helium they require at \$35 per thousand. I think when we have spent 700,000 to build and equip a new plant and have the facilities already for operation, it would be

parsimonious, it would be false economy, not to give them a chance to get into proper operation; not to give them a little leeway, because even the director, who is in charge, says they will not be able the first few months to make the helium at \$20 per thousand, even operating at practically full capacity.

My amendment does not provide the full amount requested—\$132,000—but only \$81,000, which is an increase of \$31,000. I think the committee should give them this opportunity. This is a matter of tremendous importance.

Why, in this same bill we are appropriating \$150,000 for the breeding of Cavalry horses. This may be important, and I suspect it is. They need Cavalry horses at times, but in war times dray horses are used much more than Cavalry horses. If it is important to appropriate for some of these items here, it seems to me we could appropriate \$31,000 more to an item as important as helium, which is for a great wing of the Army, lighter-than-air craft, which, to say the least, has some indication of being of service. It is a branch of the service that is cheaper to operate than the heavier-than-air craft. They have been able to make much longer flights than the heavier-than-air craft. Way back in 1919 the old British R-34 crossed the ocean both ways. We have recently gone to Panama in about one-fifth the time it would take ships to go there. They also used captive balloons in war times even though filled with hydrogen. Lighter-than-air ships have gone great distances filled with hydrogen. They are much safer when filled with helium.

I think when we have gone to this expense in the equipment of a plant it would be the height of folly to cut this appropriation down and require the plant, which cost \$700,000, to stand in idleness and rust when by adding a few thousand dollars to the original appropriation we can have it operating right along.

I think the committee should agree to this increase. I think it is reasonable.

Mr. LANHAM. Mr. Chairman, I would like to make a few observations with reference to this amendment and this provision of the bill in order that the members of the subcommittee may reply to the inquiries of my colleague [Mr. JONES] and myself at the same time.

The estimate of \$50,000 for the purchase of helium, as stated in this bill, is predicated upon the purchase by the Government at the rate of \$20 per thousand cubic feet. It is interesting to note in passing, as indicative of our progress, that 15 years ago a cubic foot of helium had never been extracted for less than \$1,500. Now we hope to get it down to 2 cents a cubic foot. Whether or not the sum of \$50,000 will be sufficient will depend on certain things. The authorities of the Bureau of Mines estimate that they can supply helium gas at \$20 per thousand cubic feet, provided their output is permitted to be 8,100,000 cubic feet, of which the Army is supposed to take 2,500,000 cubic feet and the Navy 5,600,000 cubic feet.

Now, if the demand for the output is sufficient to keep the plant running at such capacity as to enable them to produce 8,100,000 cubic feet, and the Army will use the amount indicated, and the Navy do likewise, then the appropriation of \$50,000 will be sufficient. But, in order to know that it will be sufficient, we shall have to have the assurance that the Army will use 2,500,000 cubic feet, and that the Navy will use 5,600,000 cubic feet; and the further assurance that neither branch of the service will use any helium manufactured by other parties unless it is in excess of the 8,100,000 cubic feet. I understand that some helium is produced by a private corporation. There is a private concern extracting helium in rather considerable quantities and the Navy has purchased, as I have been informed, some of its supplies from this concern. They have been extracting helium and selling it to the Government at about \$35 per thousand cubic feet. If the Navy is going to get a part of its supplies from that source, and is not going to use the 5,600,000 cubic feet from the Government plant, and the Army is not going to use the 2,500,000 cubic feet, then this plant could not produce helium at \$20 per thousand cubic feet, and the appropriation of \$50,000 would not be adequate. Therefore, whether or not the amendment should carry, or whether the amount of \$50,000 should be increased, must necessarily be dependent upon information given us as to whether or not the Army and the Navy, respectively, are going to use the amounts I have indicated. I should like to have the members of the subcommittee, if they can, give us an assurance as to whether there is going to be a demand for 8,100,000 cubic feet for the respective needs of the two services.

If so, I think the sum of \$50,000 in this bill would be sufficient. If not, it is going to cost more than \$20 per thousand cubic feet to produce the helium because the overhead remains practically constant, regardless of what the output may be. The smaller the output the greater the expense per thousand cubic feet. So it is highly important that the House should have

accurate information as to whether or not the prescribed quantities are going to be used.

Mr. TABER. Mr. Chairman, the committee went into this situation carefully. The average number of cubic feet of airship capacity which the Army will probably operate in the fiscal year 1930 will be approximately 1,400,000. The Air Corps authorities state that it will require for one year approximately one and one-half times the capacity to operate the ships. Having that in mind the amount of helium consumed during the year 1930 would be 2,100,000 cubic feet. At \$20 a thousand cubic feet that would amount to \$42,000. But the committee, in order to be a little more than fair with this activity, and having that in mind provided enough money to purchase two and one-half million cubic feet, which is the amount that the Bureau of Commerce stated would be required by its plan from the Army to keep running on an 8,000,000 basis a year. That plant is going to start February 1, and by July 1, or the beginning of the fiscal year 1930, the plant ought to be in full operation, according to the statement which the Department of Commerce, Bureau of Mines, made in their hearings; and we ought to get the helium then for \$20 per thousand cubic feet.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. JONES. I call the gentleman's attention to the items shown on page 508 of the hearings. They include \$10,000 for transportation. In estimating the cost of helium, of course, figuring the helium at \$46 plus per thousand cubic feet, \$10,000 is added for transportation, which makes up the \$132,000 that they are asking for. The transportation would probably be the same. I think the gentleman has his figures too low, because \$42,000 plus the \$10,000 of transportation would be \$52,000 even if helium were produced at \$20 per thousand cubic feet. I have simply put in \$35 and say not exceeding \$35 per thousand, including the \$10,000 for transportation, which they would have to pay in any event.

Mr. TABER. They might have to pay \$10,000 for transportation and they might not.

Mr. JONES. They have no hangar at that plant and they have no mooring post, and they would necessarily be compelled to transport it.

Mr. TABER. The gentleman means that they have no hangar at the Amarilla plant?

Mr. JONES. Yes; and no mooring mast.

Mr. TABER. Of course, they have to transport it, but \$8,000 will cover that.

Mr. LANHAM. What about the Navy requirements?

Mr. TABER. I can not give them offhand, but they have the *Los Angeles*, which is approximately 2,200,000 cubic feet. That, with its method of operation, would probably consume three and a half million to four million cubic feet, and the Navy Department is trying to purchase helium in advance of the requirement of the *Los Angeles*, with the idea of storing it for the new airships when they come along, because they have a cubic foot capacity of approximately six and a half million, and we could not expect to run into the immediate production of helium sufficient to keep those ships in operation, if we did not accumulate a storage, so that the Navy will have a storage proposition. The Navy estimate on that, which has not yet been considered by the subcommittee on Navy appropriations, is \$300,000, which would provide, at \$20 per thousand, for the purchase of twelve or thirteen million cubic feet.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANHAM. Of course, what the production of this helium will cost will necessarily depend upon the volume of the output, because the overhead expense remains practically the same. In other words, with the plant getting out something like its full capacity the helium will cost us less per thousand cubic feet than if a smaller volume is being produced, and if it is reasonably assured that the Government in the Army and Navy services will take from the helium plant for the next fiscal year an output of 8,100,000 cubic feet, then this figure would be about adequate; but if there is no assurance of this kind, the helium would cost more, and consequently the figure would have to be increased.

Mr. TABER. I think we can fairly say to the gentleman that the cost of the helium is a factor which will have to be taken into consideration by the Naval Committee in framing the naval appropriation bill, and if that bill does not provide sufficient to pay for at least 6,000,000 cubic feet at \$20 per thousand,

there would be a legitimate criticism of their appropriation. In the meantime inasmuch as 2,100,000 cubic feet would be sufficient, according to the statements of the Army air officials, to take care of what their operation will actually cover, I think that this appropriation is undoubtedly sufficient.

Mr. LANHAM. Yes. I will say that the gentleman who has charge of helium in that division of the Bureau of Mines gave me the information that if the total output for the Army and Navy would equal 8,100,000 cubic feet, he thought it could be produced at \$20 per thousand cubic feet.

Mr. TABER. I think the gentleman is correct. That is the same information that we acted upon.

Mr. JONES. I had that information, but the testimony shows that if the Army and Navy do not take the full amount the cost would be very much increased.

Mr. LANHAM. Naturally, it would.

Mr. TABER. That is an item that should be taken up on the naval bill, if they do not carry enough to purchase 6,000,000 feet. If they do—and I personally feel that they will—this is ample to take care of the situation.

Mr. JONES. Mr. Chairman, in view of the assurance given by the committee in reference to that, while I think they ought to take care of the extra freight cost, it is so near that that I desire to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. JONES. Mr. Chairman, I move to strike out the last word for the purpose of discussing this matter just a little further. I was somewhat surprised and disappointed at the statement which one of the members of the committee made that the Army is planning to abandon the lighter-than-air type of service. I can not credit this. I think it would be very unfortunate should they finally decide to do so. In one sense it is a somewhat new activity, and a somewhat old one in another sense. But at the same time an impression seems to have grown up in the minds of some people to the effect that lighter-than-air craft are not suitable for military service. Yet as shown by the records the lighter-than-air craft, even with the dirigibles filled with hydrogen and the receptacles filled with hydrogen, did a very great service during the war.

I know, from what a number of people have told me, from official records, and from personal observation, that one of the nightmares of the soldier in the last war was to have shells bursting around him, not knowing where they came from, and thus being handicapped in his efforts to fight back.

In the old days fighters were sometimes placed in a ring blindfolded for the purpose of fighting with gloves. One can readily realize their helpless feeling.

To avoid the condition that sometimes prevailed when the shells were bursting around them which they could not locate the soldiers ran up what were called captive balloons from a stable position back behind the lines. In this way they would try to get information as to what was going on behind the enemy lines, as to his movements, the location of his batteries, and where the firing was coming from. These balloons were filled with hydrogen gas, so that a single touch of an incendiary or a tracer bullet would make them come down in a mass of flames.

This helium we are talking about is noncombustible and if a bullet should strike a captive balloon filled with helium it would not burst into flames. If it had more than one compartment it might not even be forced down. They may find something to take the place of a captive balloon if there is another war, but there is no assurance of that. The information obtained by these balloons was invaluable in the last war. Of course, they took pictures and made observations from heavier-than-air aircraft—that is, from the airplanes which went across the lines—yet these pictures did not always furnish all of the information needed. They had to be moving all the time and could not get all of the advantages that could be obtained from a stationary position. They had to get some sort of a stable craft behind the line in order to get fuller or supplemental information.

During that war some of the worst terrorism was caused by dirigibles which crossed the channel to London. In this way the Germans dropped bombs and even exploded arsenals, causing tremendous damage, going over the city under the cover of night or fog or clouds. These lighter-than-air aircraft may not be as important as some other branches of the service, but they are at least important. My right hand may be better than my left hand, but there is no reason for cutting off my left hand. The heavier-than-air aircraft may be more valuable in war time than the lighter-than-air aircraft, but, as shown by experience in the last war, the lighter-than-air aircraft is of tre-

mendous military service, and therefore if the Army is to remain strictly up to date, as it should be if it is going to be our means of national defense, we ought to have all the available methods, strictly modern methods, of carrying out its activities. For this reason I think this committee and the Committee on Military Affairs and the Congress would make a great mistake if they required the Army to abandon this form of activity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask unanimous consent for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, I do not know whether it is true, but it is a fact, nevertheless, that for some reason the heavier-than-air aircraft have been much more talked about than the lighter-than-air aircraft. Much ado was made last year when for the first time three men—we all remember the occasion a few months ago when three men made a western trip across the Atlantic in an airplane. The papers had headlines filled with it all over the country. That was the first time anyone had ever crossed the Atlantic in an airplane in a nonstop flight in a westerly direction. Yet four years before—more than that; in fact, in 1919—the *R-34* made a flight both across and back, and four years ago the *Los Angeles*, purchased by this country, flew 5,000 miles from Germany and landed over here, and neither caused much more than a ripple of comment.

The *Los Angeles* had made more than a hundred successful flights. One of the dirigibles in this country made a flight of 9,000 miles. Recently I think the *Los Angeles* went to Panama in about one-fifth the time it takes a steamer to go there.

All that is important not only from the commercial standpoint but from the standpoint of the military service. From the military standpoint, it is recognized as so important that Germany and other countries are building these craft. They are spending much more than we have talked about here to-day trying to develop a substitute for helium, and they have been trying to locate helium also. Other countries have spent large sums in trying to find some source of supply of a commodity of which America has practically a monopoly. They recognize its importance, and I think the Congress ought to recognize its importance. I think it will in the course of time.

An effort is being made to develop helium by private concerns. I hope it will be successful. But in conservation matters private concerns can not always be depended upon. The conservation of our natural resources is one of our principal needs, and particularly the supply of helium, because, as we know, at present it is somewhat limited, and very much limited so far as locality is concerned. In the matter of reforestation it is possible that private interests might reforest this country as cheaply or even more cheaply than the Government, but it is generally recognized that reforestation must be handled by the Government. That is true of the development of helium. I am informed that a private concern is now making helium from a gas that can not be used for any other purpose. That gas ought to be kept in the ground, and the helium ought to be extracted from gas that we use for other purposes. In various localities, one in Oklahoma—I do not know to what extent—and in certain sections of Texas, and in one or two other sections there is a gas that contains helium that comes into use for fuel; but the helium is taken out of the ground, and if it is not extracted it is wasted. I understand that one institution is extracting helium from a gas that is used for no other purpose than the extraction of helium.

Mr. MERRITT. Mr. Chairman, where is helium found?

Mr. JONES. The helium is found in various localities—some in the Texas fields, some in Oklahoma. There is a great quantity in what is known as the Panhandle field in Texas. There is some also in Kansas, and some in Utah, as well as one or two other States; and in small quantities helium has been found in two or three other countries, but not in quantities justifying its extraction from the natural gas. So that helium, for all practical purposes, so far as I know at this time, is confined to this country; and we have a monopoly on a commodity upon which other countries are spending more than we are inclined to expend in their effort to find helium.

Mr. MERRITT. Does the gentleman say that some of the helium is now wasted?

Mr. JONES. Yes. When the gas is owned by private parties they are going ahead and using the gas which contains helium and selling it as gas, and private concerns, of course, can not be blamed for it. One of the chief reasons for building the Amarillo plant is not only to establish the manufacture upon a firm basis but to conserve the greatest supply of helium-bearing gas that is now known. There, I understand, they do

not expect to use the gas except when the helium is extracted. In other words, they expect to develop the field only as our helium needs may require. I have understood that they hope to arrange a contract to protect the entire structure of that field. There is another field, a larger field, not far away, but it does not contain a particularly large amount of helium. This particular field that the Government has sought control of for the purpose of conservation covers such an extent of territory that it would probably supply the helium that we need for an indefinite period of time, provided we do not permit it to get into the control of private hands, who, in order to sell the gas, might release the helium from the ground.

Mr. LaGUARDIA. What is the cost?

Mr. JONES. Before the plant was built at Fort Worth it cost \$1,500 per cubic foot. Of course, it was then a chemical curiosity. Naturally, experience enabled them to produce it cheaper. In the experimental plant at Fort Worth, before the main plant was built, they produced it at about 5 or 6 cents per cubic foot, or \$50 to \$60 per thousand. They gradually reduced the cost in the main plant until I think it was estimated at about 3 cents or 3½ cents per cubic foot. Of course, recently, due to fact that the plant has only operated part time, the cost has increased to some extent.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. The Fort Worth plant was built in war time, naturally at greater expense than would be incurred now. Besides it was the first of its kind in the world. They have developed some very great improvements in the process. Naturally, the cost range has been higher, due to the newness of the industry and the lack of knowledge at the time the Government work began.

When all these things are considered I think those in charge of production by the Government have done remarkably well in the showing they have made.

Taking a commodity about which little was known, and concerning the practical extractions of which less was known, operating in an almost uncharted field, I think those who have made sacrifices in its development deserve the thanks of the Congress and the country.

Having the benefit of their experience and their knowledge, there is every assurance that future production can be maintained at a much lower cost than the older plant was able to maintain.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

PRAGUE SINGING SOCIETY

Mr. BRITTEN. Mr. Chairman, before the Clerk reads further, I ask unanimous consent that I may address the House for three minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. Mr. Chairman, there are in the gallery of the House right now some 53 public-school teachers from Czechoslovakia. They have just called upon the Chief Executive at the White House. They are paying what might almost be termed an official visit to the United States. Ten years ago President Masaryk was in Washington. A resolution was pending which had for its purpose his addressing the House and Senate in joint session, but he accomplished his mission without coming before the Congress and then left the country. These gentlemen are here now on what might be termed the tenth anniversary of that event.

Besides being school-teachers they represent an organization called the Prague Teachers' Singing Society. They are singing their way around the United States as guests of the Bohemians of the United States. Chicago, Cleveland, New York, Cincinnati, Detroit, and various other places where there are groups of Bohemians have invited these men over here, and if they will stand up I would like to present them to the House of Representatives. [Applause.]

Mr. Chairman, I hear a number of requests that they sing for us, and I would very much like to have them sing either our national anthem or their national anthem, or both. It will take only a minute.

Mr. JONES. I suggest that the gentleman move a recess.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that that may be done.

The CHAIRMAN. The gentleman will have to move that the committee rise and the Speaker will have to resume the chair before a recess can be taken.

Mr. BRITTEN. There seems to be a general desire among the Members that a recess be taken. [Applause.]

Mr. Chairman, while we are waiting for the Speaker, I may say that this delegation has just sung their national anthem and our national anthem at the White House in the presence of the President of the United States.

Mr. Chairman, I withdraw my request and we will proceed with the Army bill for 10 minutes until a motion may properly be made.

The CHAIRMAN. The gentleman from Illinois withdraws his request, and the Clerk will read.

WAR DEPARTMENT APPROPRIATIONS

The Clerk read as follows:

MEDICAL AND HOSPITAL DEPARTMENT

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$1,246,571: *Provided*, That no part of this appropriation shall be used for payment of any expense connected with the publication of the Medical and Surgical History of the War with Germany: *Provided further*, That civilian employees of the Army shall be required to pay not less than cost prices for Army medical supplies purchased by them pursuant to the provisions of the act approved April 23, 1904 (U. S. C. p. 215, sec. 1236).

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from California the reason for the proviso on page 37, line 21 to line 24.

Mr. BARBOUR. That is with regard to the civilian employees?

Mr. LAGUARDIA. No; with regard to the history.

Mr. BARBOUR. I understand from the testimony given to our committee that the work on the medical and surgical history of the war with Germany is practically completed and that the funds already appropriated will fully complete that work.

Mr. LAGUARDIA. Every other branch has printed its history. I think the Medical Corps did remarkably well and I believe its history will be very useful.

Mr. BARBOUR. We have provided a specific appropriation for that and we did not want this money used for that purpose.

Mr. LAGUARDIA. But the history will eventually be published?

Mr. BARBOUR. Oh, yes. They are carrying on the work and it is practically all done.

Mr. LAGUARDIA. It is all right as long as the work will not be stopped.

Mr. BARBOUR. In fact, the composition work on the history is completed; most of the volumes have been printed and the remaining volumes are either in the hands of the printer or about to be sent to the printer.

Mr. LAGUARDIA. That is satisfactory.

The pro forma amendment was withdrawn.

The Clerk read as follows:

ENGINEER DEPOTS

For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, laborers, and other employees; for lumber and materials and for labor for packing and crating engineer supplies; repairs of, and for materials to repair, public buildings, machinery, and instruments, and for unforeseen expenses, \$93,060.

UNITED STATES ARMY AIR SERVICE REFUELING MISSION

Mr. CLAGUE. Mr. Chairman, I ask unanimous consent to speak out of order for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CLAGUE. Mr. Chairman, I do not think there has been anything said in the House regarding the Army fliers who made such a wonderful record on the recent endurance flight on the *Question Mark*. I hold in my hand a letter written January 4, 1929, the fourth day of the flight, written by Chief Pilot Eaker, which I will read to the House:

ON BOARD THE "QUESTION MARK,"

OVER SOUTHERN CALIFORNIA,

January 4, 1929, fourth day of flight.

DEAR MR. CLAGUE: Here's wishing for you and Mrs. Clague the best of everything for 1929. Hope you are both well and happy.

Our endurance flight is still enduring at the present time. Have just passed 80 hours. We are learning some very valuable things for aviation, both military and commercial. Hope to see you both on my return.

Sincerely,

IRA C. EAKER, Captain, Air Corps.

[Applause.]

The personnel of the flight was Maj. Carl Spatz, in command, Capt. Ira C. Eaker, chief pilot, Lieut. H. A. Halverson, Lieut. Elwood Quesada, and Sergt. Roy W. Hooe.

The men who conducted this flight were continuously in the air for about 151 hours and traveled nearly 12,000 miles. They have demonstrated to the country what can be done in the new, up-to-date airplanes. It is the greatest endurance record ever made in the air in this or any other country, and the people of the United States have reason to be proud of the men who made this great flight.

This flight has shown the country that the engines used in this plane are the most wonderful engines that have perhaps ever been constructed.

I think these men are not only entitled to a vote of confidence by this body, but they have shown not only to the United States but to the entire world that we have in the United States as good if not the best airplanes that have ever been manufactured. I recommend that these men who performed this great record be given hero medals. [Applause.]

PRAGUE SINGING SOCIETY

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I have just talked personally with the Speaker of the House concerning the request of a number of Members of the House to have the Prague teachers sing their national anthem or ours in the Hall of the House.

The Speaker thinks it would be establishing a precedent which might work against the House at some future time, and after talking with him I am inclined to believe he is entirely right. So I am going to ask the minister of Czechoslovakia and his friends to step out to the east front of the Capitol and sing there for us. [Applause.]

WAR DEPARTMENT APPROPRIATIONS

The Clerk read as follows:

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VA.

For purchase of engines, generators, motors, machines, measuring and nautical instruments, special apparatus, and materials, and for experimental purposes for the engineering and artillery and military art departments and enlisted specialists division; for purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defenses; for incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; for office furniture and fixtures, machinery, and motor trucks; and unforeseen expenses; in all, \$29,205: *Provided*, That section 3648, Revised Statutes (U. S. C. p. 1009, sec.

529), shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That purchase and exchange of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

How is it that the Coast Artillery School is able to obtain these typewriter machines at reduced prices made to schools and asks that this proviso be written into the appropriation bill? This seems strange to me.

Mr. BARBOUR. It seems to be a special provision in the case of the Coast Artillery and it requires just this much less money.

Mr. LAGUARDIA. I understand it requires less money in this instance, but then we have the Infantry School, we have the War College, we have West Point, we have Annapolis, and several other schools in the Government, and to write a proviso of this kind in one particular instance strikes me as being so unusual that some explanation or justification should be made.

Mr. BARBOUR. This has been carried in the bill for a good many years.

Mr. LAGUARDIA. If a typewriter company sells the Coast Artillery School a typewriter at a special school price, I do not see how it would be obligated to sell to anyone else at the same price, and yet we are writing this proviso into the law.

Mr. BARBOUR. It may be that these other schools are getting the benefit of it also. The situation is that this bill grew out of about five or six different appropriation bills, and we have been trying to improve the form of the bill and get it in better shape. Maybe these other schools are getting this special price, but this provision has been carried in connection with the Coast Artillery School for some time.

Mr. LAGUARDIA. The gentleman understands the object of some of us in seeking to bring about some uniformity in respect of all these bills?

Mr. BARBOUR. We are all working to the same end.

Mr. LAGUARDIA. Without seeking to disturb the form of the bill at this time I simply want to call the gentleman's attention to this proviso so that the gentleman may look into the matter. It seems to me it ought to apply to all of them.

Mr. BARBOUR. It may apply to all of them, but I know this language has been carried for some time at this particular place.

The pro forma amendment was withdrawn.

The Clerk read as follows:

PUBLIC WORKS, UNITED STATES MILITARY ACADEMY

For construction of new cadet barracks, including razing old cadet mess hall, preparing plans and specifications, excavating, and preparing site, as authorized by acts approved February 28, 1928 (45 Stat. 129), and March 10, 1928 (45 Stat. 300), \$600,000, to remain available until expended.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 17, insert a new paragraph, as follows:

"For an additional amount for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy, as authorized by the act entitled 'An act to authorize an appropriation for building a new cadet mess hall, United States Military Academy, approved January 9, 1929,' \$297,540, to be immediately available."

Mr. DOWELL. Mr. Chairman, I make a point of order on that.

Mr. BARBOUR. The erection of the building has been authorized by law.

Mr. DOWELL. This is an annual appropriation bill, and this provision to make it immediately available is legislation on an appropriation bill.

The CHAIRMAN. Will the gentleman from California cite the Chair to the law?

Mr. BARBOUR. The construction of this project at West Point has been authorized by law.

The CHAIRMAN. And the Chair asks the gentleman from California to produce the law.

Mr. BARBOUR. The act was reported by the Military Affairs Committee, passed, and signed by the President, and this is a continuing appropriation.

Mr. MORIN. It has been appropriated for since 1924.

Mr. DOWELL. Unless the words "immediately available" are stricken from the proposed amendment, this is legislation.

Mr. BARBOUR. I understand that the gentleman's point of order is made to the words "immediately available," but not to the appropriation itself?

Mr. DOWELL. The question I have raised here is as to making it immediately available. I say that is legislation on this bill. The only way the gentleman can present that is in another form and in another bill.

Mr. BARBOUR. The appropriation is authorized under the act of January 9, 1929, which is to-day.

The CHAIRMAN. The Chair asked the gentleman to cite the Chair to the act so that he might examine it.

Mr. LAGUARDIA. That is the bill that was passed last Monday.

Mr. BARBOUR. We have here a letter from the President addressed to the Speaker of the House estimating for the appropriation carried in this amendment. We also have a letter from the Director of the Budget addressed to the President in which he submits this appropriation to the President, and it is approved by the President in the letter to the Speaker. He cites the act of January 9, 1929, evidently signed to-day.

The CHAIRMAN. The fact seems to be that the bill in question passed both Houses, was signed by the Presiding Officers of the two Houses, and sent to the President. So far as the Chair has official information, that is as far as it has gone. If the point of order is raised challenging the provision of the law, of course the Chair can do nothing but call for the law. Probably the gentleman from California will not be able to produce the law until to-morrow when it is messaged from the White House.

Mr. DOWELL. Mr. Chairman, I do not want to raise the question on the appropriation; my purpose is only to make the point of order to the words "immediately available" under this bill. This bill is for appropriations beginning on the 1st of July of this year. This amendment providing for an appropriation for this fiscal year is legislation.

Mr. BARBOUR. Well, I submit that that question has been ruled upon on numerous occasions heretofore, and the point of order has been overruled.

The CHAIRMAN. As the Chair recalls from memory, this particular point has been ruled upon a number of times since the adoption of our present system of appropriating by departments and in each case, so far as the Chair recalls, a point of order made on account of the words "immediately available" has been overruled. Has the gentleman from Michigan [Mr. CRAMTON], who is on his feet, any remembrance that conflicts with the recollection of the Chair?

Mr. CRAMTON. I can not refer to the citation, but I know that that precise point has been raised, and it has been ruled that to make it immediately available, or to make it available until expended, is in order on one of these appropriation bills, since the whole matter is in the jurisdiction of the Committee on Appropriations.

The CHAIRMAN. That is the recollection of the Chair. The parliamentary has just found one precedent that would seem to be in point. It is section 8223 of the Precedents of the House of Representatives, and is summed up in this statement:

Such items were formerly ruled out on account of jurisdiction, but since the Committee on Appropriations now has exclusive jurisdiction of all general appropriation bills, the point of order is no longer valid.

The Chair recalls a number of instances, though he is not able to turn to them immediately, that have been ruled in this way. The Chair, therefore, overrules that point of order.

Mr. DOWELL. Mr. Chairman, I do not desire to raise any further question about the other matter, about the law not being here.

Mr. BARBOUR. All we have is the letter from the President referring to the act signed to-day. A printed copy of the act is not at this time available, but it is the law.

The CHAIRMAN. If the other point of order was pressed, the Chair would sustain it, because clearly the law can not be produced, and until it can be the Chair would be compelled to rule the other way.

Mr. DOWELL. I do not desire to press that question.

Mr. LAGUARDIA. Mr. Chairman, for the sake of precedent, the Chair does not intimate that a physical presentation of the law is necessary.

The CHAIRMAN. It is necessary that the public act be cited in one way or another.

Mr. LAGUARDIA. Cited, yes; I did not want the intimation to go out that a physical production of the law is necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LaGUARDIA: Page 49, line 12, after the word "barracks," insert "on the site of the old mess hall, its street face on the barracks to be in prolongation of the street face of the West Academy Building."

Mr. BARBOUR. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

Mr. LaGUARDIA. Mr. Chairman, it is apparent that the bill itself provides for a new cadet barracks on the site of the old mess hall, and all my amendment does is to amplify the site. I am absolutely indifferent whether the committee adopts this or not, except that next year, if the committee does not adopt this amendment and it comes in with a deficiency appropriation, I shall be able to say, "I told you so." This is the situation. The barracks is to be placed on the same site now occupied by the mess hall. I understand, and I am reliably informed, that the present superintendent there has decided to change somewhat the plans that are now complete by placing a porch in the front of this building. If that is so it will be necessary to throw the building back, and owing to the peculiar topography of the land you will need more excavation, and the amount that you now appropriate will not be enough. I can only bring the facts to the committee. If you want to raise the point of order of course you may do so, but it is simply describing the site, and if it is not accepted, and the plan should be changed, you will be confronted with a deficit.

Mr. COLLINS. Yes. He is preparing to excavate rock 35 feet through.

Mr. LaGUARDIA. That is what my amendment seeks to avoid.

Mr. COLLINS. For the purpose of making this minor alteration.

Mr. LaGUARDIA. That is what my amendment seeks to avoid.

The CHAIRMAN. Does the gentleman from California make the point of order?

Mr. BARBOUR. Yes.

The CHAIRMAN. The paragraph under consideration in the bill provides an appropriation for the construction of new cadet barracks as authorized by the acts approved February 28, 1928, and March 10, 1928. The amendment of the gentleman from New York evidently seeks to amplify the authority given, although the Chair has not examined the acts authorizing this construction, but assumes that if the amendment of the gentleman from New York has any effect whatsoever it will be to amplify or otherwise alter that authority, and therefore will be legislation. As the paragraph in the bill now stands, it simply provides that the construction for which the appropriation is made shall be done in accordance with certain acts. Now the gentleman wishes to supplement the provisions of these acts. As a matter of fact, the gentleman is almost a year late. If he had been here when the acts were passed, his amendment would have been in order to change them in any way germane to the then pending bills; but at the present time this appropriation bill carries no legislation on the subject but simply provides an appropriation to be expended in accordance with the acts passed nearly a year ago.

Mr. LaGUARDIA. I have not the act before me, but it is my understanding that the act provides for tearing down the old building and putting a new building in its place.

The CHAIRMAN. Does the gentleman's amendment change the act?

Mr. LaGUARDIA. No; but it permits the building to be shoved back.

The CHAIRMAN. What the gentleman states is clearly legislation and defeats his own amendment.

Mr. LaGUARDIA. It is to carry out the intention of the act.

The CHAIRMAN. The gentleman's amendment is clearly an attempt to enlarge, amplify, clarify, or otherwise alter previous legislation, and is therefore legislation.

Mr. LaGUARDIA. Perhaps it is better to enlarge the legislation than the appropriation, as we will have to do in the future.

The CHAIRMAN. That, however, is a matter to be taken up in a legislative bill and not an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

Section 3648, Revised Statutes (U. S. C. p. 1009, sec. 529), shall not apply to subscriptions for foreign, professional, and other newspapers and periodicals to be paid from any of the foregoing appropriations for the Military Academy.

Mr. DOWELL. Mr. Chairman, I reserve a point of order. That appears to be suspending a statute and has the appearance clearly of legislation, and I was wondering why a statute

has to be suspended and what necessity do they have for offering to repeal the practice for this purpose?

Mr. BARBOUR. We are not going to change the practice. We simply propose to make an exception, because many of the foreign newspapers require the payment of subscriptions in advance and frequently they can get them at lower rates if paid in advance. This is simply for convenience and possibly to save a little money.

Mr. DOWELL. It seems to me there is a regular way in which to do this instead of suspending statutes.

Mr. LaGUARDIA. There are 10 different paragraphs with the same proviso in them, and the only time I permit them to go through is in reference to subscriptions to foreign papers.

Mr. DOWELL. If there is any great necessity for this, I am not so vigorous in the matter and I should withdraw it; but it seems to me there ought to be a specific appropriation for what they desire or what is necessary instead of trying to suspend a statute.

Mr. LaGUARDIA. It only permits the payment of subscriptions in advance.

Mr. BARBOUR. It is only to pay in advance.

Mr. DOWELL. Make the appropriation. Just a moment ago the chairman held you have an exclusive right if you want it, and I will say for this time I am going to withdraw the reservation of the point of order, but hereafter I shall try to hold the committee to a strict accountability.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of buildings; also surplus tools and material required for use in the instruction of cadets at the academy: *Provided*, That the constructing quartermaster, United States Military Academy, is hereby exempted from all laws and regulations relative to employment and to granting leaves of absence to employees with pay while employed on construction work at the Military Academy: *Provided further*, That the funds appropriated herein for the United States Military Academy may be expended without advertising when in the opinion of the responsible constructing officer and the superintendent it is more economical and advantageous to the Government to dispense with advertising.

Mr. COLLINS. Mr. Chairman, the gentleman from New York [Mr. COHEN] wants to occupy 10 minutes. I ask unanimous consent that he be given 10 minutes at the present time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from New York be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. COHEN. Mr. Chairman and members of the committee, I am having a map brought in, largely to show you a picture of Governors Island, which is within four minutes of the Battery and within about six minutes of the financial district of the city of New York. I would like in connection with this map to describe the barracks that are being built and which are expected to be built with the appropriation that was passed at the last session.

I have consulted with the Secretary of War, calling his attention to the fact that on Governors Island the proposed barracks are to be built within about 150 to 250 feet of the quarters now occupied by the officers and showing that the location of the quarters of these officers is practically such that there is no real privacy for the officers and their families and the men stationed on Governors Island. I called on The Adjutant General, and he informed me that they were going to do a piece of legerdemain. They were going to remove the porches from the front of the officers' quarters and rebuild them on the back of the officers' quarters, thereby making the fronts the backs and the backs the fronts. Of course he said nothing about changing the interior plans of these houses and of this particular house which he calls cottage building No. 64.

This floor plan [indicating on map] shows that with the porches placed on what is now the rear of the houses it will be necessary to either go through the kitchen or the butler's pantry to reach the living room or reception room, as they call it, and that even with a change of the fronts, which only means a change of the porches, there is absolutely no privacy for the officers or their families. Just think what it would mean to have about 500 pairs of eyes looking from a 3-story building, a height 78 feet 6 inches at the highest point above grade, into the rooms of these officers' quarters, making it impossible for the families of these men to have that privacy to which they are entitled.

When I first called the question of an airport on Governors Island to the attention of the House I endeavored to convince the War Department that they were a bit selfish, to say the least, in holding an island of 172 acres where only about 74 acres were at present in use and 102 acres used for nothing but polo fields, golf courses, baseball field, and running track; and I am afraid with the present location of the barracks they are going to spoil the running track.

When I first introduced the bill the War Department gave no reasons for it not being suitable as a landing field or express station; but with the pressure of public opinion and the backing of the many organizations, they found it was necessary to do something more than just to stand mute, and they then raised the question of fog, wind conditions, the smallness of the field, the danger of flying; in fact, everything that could possibly be thought of. They ignored the recommendations of a congressional committee of the Sixty-eighth Congress, of which Representative PRALL was a Member; they refuted the statements of such flyers as Commander Byrd, Col. Clarence Chamberlain, and Casey Jones; and, in fact, I am told there are over 18 men around New York who have flown to and from Governors Island. They have stated that Governors Island is not suitable, but tell me what airport is 100 per cent perfect all of the time? Not one of them but at times has trouble with fogs, high winds, and other bad landing conditions.

Remember, gentlemen, you are within six minutes of Manhattan Island. You are within eight minutes of the customhouse and post office of the city of New York, and mail can be landed from the field and the Battery by boat within that time, leaving out the questions of pneumatic-tube service from the customhouse to the landing field. The mail comes from all over the country to New York City, and the delay in its transmission costs your constituents millions of dollars, even with the new port that is being built at Barren Island and the other airport in Jersey at Port Newark.

Irrespective of the statements made by Secretary Mellon to Mayor Walker to the effect that an airport should be as near the business section as possible, when I interviewed Secretary Mellon he said, "Yes; he did make that statement, but Governors Island was in another department." Postmaster General New, after making speeches and public statements that airports should be as close to the center of business as possible, and after recommending putting sheds on the Pennsylvania yards in Long Island City, when I called his attention to Governors Island all he stated was that fog made it unsuitable, even though our meteorological figures show that fog is not as bad at Governors Island as at Barren Island. Also an interview with President-elect Hoover, then Secretary of Commerce, only brought out the statement that it was in another department. I hope, now that as he will be the head of the Government shortly, that with his business knowledge and experience the War Department may listen to him if he will only speak. Practically every organization in New York City save one has advocated at one time or another the use of Governors Island as an express landing field.

Mr. LA GUARDIA. As to selecting Governors Island as a port, it was testified before the Senate committee that Governors Island was not properly adapted for military purposes, and they proposed to appraise the island and sell it.

Mr. COHEN. It was given by the State of New York to the Government of the United States with the express stipulation that it was to be used for military purposes only.

I called the attention of the Secretary of War to the fact that Major General Ely, now in command of the Department of the East, had made a recommendation to the War Department that the barracks, instead of crossing the island, should be placed along Buttermilk Channel, which would leave the island open and free. This recommendation, I believe, would be found in the official record, as the statements, I believe, were made to Representative JAMES, as well as myself; but the War Department saw fit to ignore these recommendations, and when I visited Secretary Davis he refused to make any change in the plans, saying it was for the esthetic and architectural beauty of the island; but more of that later.

I want to call your attention to one thing: The only place around New York adapted for landing in the event of an airplane having difficulty with its engine and being compelled to land is Governors Island. With these improvements on the island it will be almost impossible for an airplane to land, and unless the wind is just right it will be impossible for an airplane to take off. They have talked of wind, of fog, of the necessity for military occupation. They have talked practically about everything imaginable, but when you come to the last analysis, the absolute reason they want to keep Governors Island under the War Department is due to the fact that it is the last stepping-off place for major generals of the Army who

are going to be retired from the service, and every general in the Army hopes he will spend his last days on a beautiful island in New York Harbor, surrounded by all the athletic activities of a country estate or club and within 15 minutes of Broadway and Forty-second Street.

I realized only this fall, when I tried to get this island from the War Department, why it was they had a donkey as the emblem of the West Point Athletic Association. I can now understand why that is. I believe the Army should have what is known as "bulldog tenacity," but to have and just show the plain stubbornness of a mule or donkey is hardly compatible with one of the chief branches of the United States and a department that covered itself with everlasting glory a few short years ago. In this particular case they have acted as stubborn as the proverbial mule; no real reason but just the pure cussedness of a mule. You may call it a mule or a donkey or a jackass, but far be it from me to say that of the Army or the War Department; but if the War Department is spending its millions of dollars—yes, its hundreds of million dollars—is spending our money, the people's money, in the same way as they are spending it on Governors Island I think the country at large should have it called to its attention, and the voice of the people, which in the last analysis is the voice that must be listened to, should call, through its proper representatives, the Members of the House and Senate, for a thorough investigation of the conduct of the War Department.

Mr. McFADDEN. Will the gentleman yield?

Mr. COHEN. Certainly.

Mr. McFADDEN. What is the probable value of the land on Governors Island?

Mr. COHEN. Perhaps the gentleman from New York [Mr. LA GUARDIA] can inform the gentleman, because I do not know whether they have ever had it appraised.

Mr. LA GUARDIA. I think they have had it appraised at several million dollars, which, of course, is a ridiculously low figure, because the gentleman can imagine what that land, practically in the heart of a great city, would be worth.

Mr. McFADDEN. I asked that question because I have been informed by those who have a competent judgment of values in New York that that island is worth from a billion to a billion and a half dollars. If that island is worth that amount of money, it occurs to me it is a rather extravagant thing for the War Department to use it as a retirement home for the officers of the Army.

Mr. COHEN. I hardly think the value of the property enters into the matter at all. It is not the value of Governors Island as Governors Island, but the value of Governors Island to the country at large. I can take the train from Washington and reach my office within 30 minutes of the time you can get from here by airplane. The same thing applies to Boston and to other places within a radius of 300, 400, or 500 miles, and that is on account of the distance of this airport from New York. Let me add the statement of General Conner before the Committee on Military Affairs of the United States Senate, Sixty-ninth Congress, on page 17, which reads as follows:

General CONNER. Yes. That has been opposed by the Second Corps Area. There has been no decision on it. In fact, the matter has not been presented to the Secretary of War, but there has been some talk—perhaps I have done most of it myself—about selling Governors Island. If we could get the money, if we could put Governors Island on the market and sell it, and one other place, we could see our way very clear toward financing this housing program.

Senator BINGHAM. What is the appraised value of Governors Island?

General CONNER. I think Governors Island was considered at one time to be worth \$25,000,000.

Major BRANT. We had an estimate of \$18,000,000, and we thought that was an underestimate.

The CHAIRMAN. This is not for training purposes, a good place for infantry, is it?

General CONNER. No, sir.

The CHAIRMAN. You just have a parade ground on it practically; is that all?

General CONNER. A parade ground is all. Of course, it serves to house the Second Corps Area headquarters.

The CHAIRMAN. But it is a fine post.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. LA GUARDIA. The gentleman will remember that when the authorization of an appropriation for the erection of the buildings now under discussion was before the House some of us protested and pointed out that eventually, notwithstanding the stubbornness of the War Department, Governors Island would be used as a terminal airport. The gentleman from Michigan then assured us that the buildings would not be placed in such a position as to hamper the use of Governors

Island for that purpose. The gentleman from Michigan [Mr. JAMES] has kept his word. When the War Department announced it was going to build in this way I telegraphed the gentleman from Michigan as follows, as we were not in session at the time, and he got busy:

JULY 16, 1928.

HON. FRANK JAMES,

House of Representatives, Washington, D. C.:

You will recall appropriation for barracks Governors Island and opposition thereto and agreement that no permanent building would be placed anywhere on island which would interfere with eventual use of island as aviation field. Am now informed it is contemplated to construct barracks for one regiment southwest of present brick barracks. This would entail unnecessary waste public funds because progress can not be stopped and island will be used eventually as airport; besides it is not keeping gentlemen's agreement at time appropriation authorized. What do you advise to prevent this spiteful action and wanton waste of public funds? Kindly wire me 220 Broadway, New York City.

F. LAGUARDIA.

The following is an extract from a letter from Representative JAMES to myself:

I find your wire upon my return from a trip. I am to-day writing to Washington, stating I hope that no barracks will be erected that will prevent Army or other planes from landing on Governors Island.

You will agree that there is no doubt about the fact that they are doing this building purposely in order to prevent the use of Governors Island as an airport, because they can then come in and say, "You can not use it as an airport because we have these buildings here."

Mr. COHEN. May I say to the gentleman from New York—and I say it without fear of contradiction—that word came from the Architect's Office that they were to erect a building across this island. Originally they claimed they wanted to beautify the island, but see what they intend to do. They put the front of the barracks so as to face the officers' quarters, but when I called their attention to the fact that the rear of the barracks facing the open bay would hardly be "a thing of beauty and a joy forever"; that the rear of a building is never one that beautifies scenery, they for the first time changed their views and had the architect change their plans so as to make that part that was originally to be the rear facing down the bay front, and now the front faces down the bay and the rear faces the officers' quarters. They have made the back the front and the front the back.

Mr. LAGUARDIA. But leave it in the middle of the field.

Mr. COHEN. That is true, and that is done against the recommendation of Major General Ely, who is thoroughly familiar with the island. He has landed on the island in an airplane and has taken off from the island.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. COLE of Iowa. If this island were bought for war purposes and it is now devoted to other purposes, will it not go back to the State or city of New York?

Mr. COHEN. No; because the bill adds, for military, naval, postal, and other governmental uses. And I am quite sure that the State of New York would be more than willing to amend its deed of gift for what would be of such great benefit to the people of the city, State, and Nation.

Mr. ACKERMAN. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. ACKERMAN. The gentleman is aware that the Newark Airport is about to open, is he not?

Mr. COHEN. Yes.

Mr. ACKERMAN. And will not that cut down the time now taken in transporting mail from Hadley Field to New York City?

Mr. COHEN. It will cut it down about 30 minutes, and it will take about 45 minutes. It now takes from one hour to two hours from Hadley Field, while now it will take about 45 minutes from Newark Airport, and I am giving you the very best of breaks through traffic. I went to Newark the other day in my automobile and it took me an hour and ten minutes, in my own machine.

Mr. ACKERMAN. That was because of the interference with traffic on account of the bridge being down, was it not?

Mr. COHEN. No; the bridge was not down. They were making some repairs, but the gentleman knows that is a very heavy artery of traffic.

I do not know what action this House will take, but I say to you gentlemen if this were a business corporation, and we were the directors responsible to our stockholders, and we had a piece of property within a few minutes of the business heart of a city, we would not think of going from 30 to 40 minutes,

or even an hour, away to build on another piece of property when we had an island such as Governors Island at our door to build on. Were there a real necessity for the War Department's selfish desire to withhold Governors Island from the lanes of progress, or a real reason to-day, 1929, as in 1800 to retain troops on Governors Island, or if the War Department could give a real reason except the selfish desire to retain Governors Island for its own use because it had it in the past, I would be the first one to say that I am mistaken and withdraw any endeavors to convince this House that Governors Island is a small cog, though a necessary one, in the prosperity of the community along modern lines, but while I do not know what action this House will take, while I know that the matter has passed beyond the Appropriations Committee, still I hope that this House will take suitable action and force the War Department to bow to the will of the people. I shall not be here next session, except possibly as a visitor, so my desire for Governors Island as an express station is not due to any other than a public-spirited motive. I trust that the House and Senate will pass a joint resolution withholding or recalling their approval of the appropriation for a barracks on Governors Island. This should be passed at this session because they are just now digging the foundations and the cost of changing same to the side of the island facing Buttermilk Channel would practically be nil, and if something is not done before the regular session of the Seventy-first Congress convenes it will be almost like the words of the marriage ceremony:

Speak now or forever after hold your peace.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15569) making appropriations for the Departments of State and Justice, for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. SHREVE, TINKHAM, ACKERMAN, OLIVER of Alabama, and GRIFFIN.

SETTLEMENT OF CLAIMS AND SUITS AGAINST THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. GARRETT of Tennessee. Is this agreeable to the minority?

Mr. ZIHLMAN. I have consulted the ranking minority member in the city, I will say to the gentleman from Tennessee.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ZIHLMAN, UNDERHILL, and GILBERT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KINDRED, indefinitely, on account of illness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases."

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table, and under the rule referred as follows:

S. 2330. An act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

S. 3590. An act to amend section 110 of the Judicial Code; to the Committee on the Judiciary.

S. 4217. An act to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

S. 4640. An act to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes; to the Committee on Military Affairs.

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land; to the Committee on Interstate and Foreign Commerce.

S. 4778. An act authorizing the Moundville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundville, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4848. An act for the relief of T. L. Young and C. T. Cole; to the Committee on Claims.

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Interstate and Foreign Commerce.

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization; to the Committee on Rules.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p. m.) the House adjourned until to-morrow, Thursday, January 10, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 10, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Earths, earthenware, and glassware, January 10, 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6, 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

A bill to provide for a joint reunion of the surviving veterans of both sides of the war 1861-1865 in the city of Washington in the year 1929, to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion, and to provide for a commission to carry into effect the provisions of this act (H. R. 14461).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchie River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

For the improvement of the Caloosahatchie River, Fla., for purposes of navigation and flood control (H. R. 15095).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

733. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1930, for the War Department, for Chickamauga and Chattanooga National Military Park, \$5,500 (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

734. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1930, for the War Department, for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy, \$297,540 (H. Doc. No. 504); to the Committee on Appropriations and ordered to be printed.

735. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1930, to remain available until expended, for the purchase of capital stock of the Inland Waterways Corporation created by the act of Congress approved June 3, 1924, as amended by the act approved May 29, 1928, \$10,000,000 (H. Doc. No. 505); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on the Public Lands. H. R. 13899. A bill authorizing the Secretary of the Interior to issue patents for lands held under color of title; with amendment (Rept. No.

2047). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12404. A bill authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.; with amendment (Rept. No. 2049). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 14466. A bill to provide for the sale of the old post-office property at Birmingham, Ala.; with amendment (Rept. No. 2050). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway; without amendment (Rept. No. 2051). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. H. R. 8746. A bill to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park; with amendment (Rept. No. 2052). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13957. A bill to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa; without amendment (Rept. No. 2053). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 14493. A bill for the relief of George Press; without amendment (Rept. No. 2048). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 1071. A bill for the relief of Clyde Calvin Rhodenbaugh; without amendment (Rept. No. 2054). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 8575. A bill for the relief of Thomas Gaffney; without amendment (Rept. No. 2055). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14576) granting a pension to Elizabeth Segall, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLEBRIGHT: A bill (H. R. 16078) authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN: A bill (H. R. 16079) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 16080) to authorize a uniform and equipment allowance for officers of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 16081) to provide additional hospital facilities for World War veterans at American Lake, Wash.; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 16083) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

By Mr. JOHNSON of Texas: A bill (H. R. 16084) authorizing appropriation of \$30,000 to reimburse Navarro County, Tex., for destruction of two bridges belonging to said county by Federal authorities; to the Committee on Claims.

By Mr. KURTZ: A bill (H. R. 16085) to transfer Blair County, Pa., from the western judicial district to the middle

judicial district of the State of Pennsylvania; to the Committee on the Judiciary.

By Mr. REID of Illinois: A bill (H. R. 16086) to amend the act approved May 15, 1928, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes"; to the Committee on Flood Control.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16087) to provide for the allowance of stationery and supplies to Members of Congress, and for other purposes; to the Committee on Accounts.

Also, a bill (H. R. 16088) to increase the salary of the Clerk of the House of Representatives; to the Committee on Accounts.

By Mr. LEAVITT: Joint resolution (H. J. Res. 374) to create a commission to investigate Indian affairs; to the Committee on Rules.

By Mr. WILSON of Louisiana: Joint resolution (H. J. Res. 375) interpreting sections 3 and 4 of Mississippi flood control act of 1928; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings; to the Committee on Claims.

Also, a bill (H. R. 16090) for the relief of Hugh Dortch; to the Committee on Claims.

By Mr. ALDRICH: A bill (H. R. 16091) granting a pension to Ellen E. Phillips; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 16092) for the relief of Bertell Q. Ford; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 16093) granting an increase of pension to Mary E. Stubbs; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 16094) granting a pension to Alice M. Clouser; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 16095) granting a pension to Lizzie Olson; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 16096) authorizing the President to appoint Edgar A. Gilbert to the position and rank of first lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. CULLEN: A bill (H. R. 16097) granting a pension to Elsie Bell; to the Committee on Pensions.

By Mr. ENGLAND: A bill (H. R. 16098) granting a pension to Ephriam (Malcom) Malcolm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16099) granting an increase of pension to Mary C. Kincaid; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 16100) granting an increase of pension to Matilda S. Brewer; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 16101) granting a pension to Hester A. Jones; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 16102) to correct the naval record of James M. Hudson; to the Committee on Naval Affairs.

By Mr. HALL of Indiana: A bill (H. R. 16103) granting a pension to George A. Sence; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16104) granting a pension to Mary Mills Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16105) granting an increase of pension to Nancy M. Oglesby; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 16106) for the relief of Paul C. Christian; to the Committee on the Judiciary.

Also, a bill (H. R. 16107) granting permission to First Lieut. Joseph M. Glasgow, Cavalry, United States Army, to accept the decoration and diploma of Chevalier of the French Legion of Honor, which decoration was conferred on him by decree of the President of the French Republic, dated September 4, 1928; to the Committee on Foreign Affairs.

By Mr. HUGHES: A bill (H. R. 16108) granting an increase of pension to Margret McMillen; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16109) granting a pension to William J. Reisman; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 16110) granting a pension to John M. Chambers; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 16111) granting a pension to Jennie Hitchcock; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 16112) granting an increase of pension to Mary A. Toomey; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16113) for the relief of Jennie Williams; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 16114) granting an increase of pension to William Felter; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 16115) granting an increase of pension to Mary A. Hilton; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16116) granting a pension to Annie Duggan; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16117) to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*; to the Committee on War Claims.

By Mr. TABER: A bill (H. R. 16118) granting a pension to Elida Irene Hodder; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 16119) granting an increase of pension to Almira Justice; to the Committee on Invalid Pensions.

By Mr. VINCENT of Iowa: A bill (H. R. 16120) for the relief of Mildred L. Williams; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 16121) granting a pension to Margaret S. Colf; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 16122) for the relief of E. Schaaf-Regelman; to the Committee on Claims.

By Mr. WASON: A bill (H. R. 16123) granting an increase of pension to Delta J. Dressler; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16124) granting a pension to Beverly A. Foster; to the Committee on Pensions.

Also, a bill (H. R. 16125) granting a pension to Zereldia A. Robinson; to the Committee on Pensions.

By Mr. MORIN: Joint resolution (H. J. Res. 373) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 285) to pay to Norman E. Ives \$1,200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8194. By Mr. CHALMERS: Petition signed by citizens of Toledo, Ohio, protesting against discriminations practiced against certain nations and nationals of the Caucasian race and desiring and demanding the abatement thereof; to the Committee on Immigration and Naturalization.

8195. By Mr. O'CONNELL: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8196. By Mr. PEAVEY: Petition from the Superior Trades and Labor Assembly at Superior, Wis., demanding that the same consideration be extended to radio station WCFL as is extended the other broadcasting stations, and that it also be granted the desired unrestricted wave length; to the Committee on Interstate and Foreign Commerce.

8197. Also, petition from the United Brotherhood of Carpenters and Joiners of America, Local Union No. 755, Superior, Wis., demanding that the Federal Radio Commission place WCFL, radio station of Farmer-Labor, to its former position, frequency, unlimited power, and time of operation without interference from other stations; to the Committee on Interstate and Foreign Commerce.

8198. By Mr. ROMJUE: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, favoring the passage of House bill 9138; to the Committee on Pensions.

SENATE

THURSDAY, January 10, 1929

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

ENROLLED BILLS SIGNED

The VICE PRESIDENT, as in legislative session, announced his signature to the following enrolled bills, which had been signed previously by the Speaker of the House of Representatives:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from Hamilton & Hamilton, attorneys, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

OFFICERS DELINQUENT IN RENDERING ACCOUNTS

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, submitting, pursuant to law, a report showing the officers of the Government who were delinquent in rendering or transmitting their accounts to the proper offices in Washington during the fiscal year ended June 30, 1928, the cause therefor, and whether the delinquency was waived, together with a list of such officers who upon final settlement of their accounts were found to be indebted to the Government and had failed to pay the same into the Treasury of the United States, which was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, lists of papers and documents on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. REED of Pennsylvania and Mr. SIMMONS as members of the committee on the part of the Senate.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations, December 19, 1928.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Sheppard
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Steiner
Bingham	George	Mayfield	Stephens
Black	Gerry	Metcalf	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Greene	Norbeck	Trammell
Brookhart	Harris	Nye	Tydings
Broussard	Harrison	Oddie	Tyson
Bruce	Hawes	Overman	Vandenberg
Burton	Hayden	Phipps	Wagner
Capper	Heflin	Pittman	Walsh, Mass.
Caraway	Johnson	Ransdell	Warren
Copeland	Jones	Reed, Mo.	Waterman
Couzens	Kendrick	Reed, Pa.	Watson
Curtis	Keyes	Robinson, Ark.	Wheeler
Deneen	King	Robinson, Ind.	
Dill	La Follette	Sackett	
Edge	McKellar	Schall	

Mr. CURTIS. I was requested to announce that the Senator from West Virginia [Mr. GORFF], the Senator from Nebraska [Mr. NORRIS], the Senator from Utah [Mr. SMOOT], and the Senator from Minnesota [Mr. SHIPSTEAD] are absent on official business.

Mr. DILL. I desire to announce that Senators FRAZIER, PINE, LA FOLLETTE, WHEELER, and THOMAS of Oklahoma, members of the subcommittee of the Committee on Indian Affairs, are in attendance upon a hearing of the subcommittee.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I am going to ask to have a formal reading of the treaty. It has not as yet been read, and we may, I think, have that done now.

The VICE PRESIDENT. The Secretary will read the treaty. The legislative clerk read the treaty, as follows: